



Financial Guide



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FOREWORD

The Office of Justice Programs (OJP) provides Federal leadership in developing the nation's capacity to prevent and control crime, administer justice, and assist crime victims. The Office of Justice Program's Comptroller is the principle financial advisor to the Assistant Attorney General for OJP. The Office of the Comptroller (OC) provides policy guidance, control, and support services to OJP's Program Offices and Bureaus in accounting and the financial management of grants. In addition, OC also provides the following services: (1) technical assistance to OJP grantees; (2) financial monitoring of grantees; and (3) audit tracking and audit resolution Department of Justice-wide.

For additional information on grants management please visit the OMB website address, <http://www.whitehouse.gov/OMB/grants/index.html> to obtain copies of current circulars and common rules.

The Guide dated May 2000 is the current edition.

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PART I -- GENERAL INFORMATION

Chapter 1: Users

This document is provided for the use of all recipients and their subrecipients of Federal grant programs administered by the Office of Justice Programs (OJP). This Guide is to serve as the primary reference for financial management and grants administration. Specific organizations and individuals which are to use this Guide include:

Direct Recipients. Block, formula, and discretionary recipients shall adhere to the provisions of this Guide. Programmatic and technical requirements for block, formula, and discretionary recipients are contained in the program guidelines.

Subrecipients. Units of government and other organizations receiving Federal financial assistance from the State shall adhere to applicable State laws and procedures. The circulars and government-wide common rules specific to that organization-type should also apply.

Individuals. Individuals from the above organizations who may use this Guide include: administrators, financial management specialists, grants management specialists, accountants, and auditors. These individuals are to use the Guide as their financial policy reference in executing their duties under agency-funded programs and projects. Additionally, the document is structured to serve as a training manual for new employees.

Contractors. This Guide is **not** for the direct use of contractors. However, direct recipients should ensure that monitoring of organizations under contract to them is performed in a manner that will ensure compliance with their overall financial management requirements.

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Chapter 2: Circulars and Common Rules

This Guide incorporates by reference the provisions of the Office of Management and Budget (OMB) circulars and government-wide common rules applicable to grants and cooperative agreements. These circulars and common rules include the following:

OMB CIRCULARS:	
Administrative Requirements:	
OMB Circular A-102	"Grants and Cooperative Agreements with State and Local Governments," revised October 7, 1994.
OMB Circular A-110	"Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations," November 19, 1993 (codified at 28 CFR Part 70).
Cost Principles:	
OMB Circular A-21	"Cost Principles for Educational Institutions," revised April 26, 1996 (codified at 28 CFR Part 66, by reference).
OMB Circular A-87	"Cost Principles for State, Local, and Indian Tribal Governments," revised May 4, 1995 (codified at 28 CFR Part 66, by reference).
OMB Circular A-122	"Cost Principles for Nonprofit Organizations," revised May 8, 1997 (codified at 28 CFR Part 66, by reference).
Audit Requirements:	
OMB Circular A-133	"Audits of States, Local Governments and Nonprofit Institutions," revised June 30, 1997 (codified at CFR Part 66 & Part 70).
GOVERNMENT-WIDE COMMON RULES:	
"Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Units of Governments," dated March 11, 1988 (codified at 28 CFR Part 66). (Grants Management Common Rule for State and Local Units of Governments.)	
"Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-free Workplace (Grants)" (codified at 28 CFR Part 67).	
"New Restrictions on Lobbying" (codified at 28 CFR Part 69).	

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Chapter 3: Conflicts of Interest

Personnel and other officials connected with agency-funded programs shall adhere to the following requirements:

Advice. No official or employee of a State or unit of local government or a non-governmental recipient/subrecipient shall participate personally through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, award, cooperative agreement, claim, controversy, or other particular matter in which award funds (including program income or other funds generated by Federally-funded activities) are used, where to his/her knowledge, he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment has a financial interest or less than an arms-length transaction.

Appearance. In the use of agency project funds, officials or employees of State or local units of government and non-governmental recipient/subrecipients shall avoid any action which might result in, or create the appearance of:

- ! Using his or her official position for private gain;
- ! Giving preferential treatment to any person;
- ! Losing complete independence or impartiality;
- ! Making an official decision outside official channels; or
- ! Affecting adversely the confidence of the public in the integrity of the government or the program.

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PART II -- PRE-AWARD REQUIREMENTS

Chapter 1: Application Process

Highlights of Chapter:

- ◆ Eligible Recipients
- ◆ Program Announcements
- ◆ Certified Assurances (Non-Discrimination Requirements)
- ◆ Intergovernmental Review
- ◆ Application Review
- ◆ Federal Debt (OMB Circular A-129)
- ◆ Financial Analysis
- ◆ Debarment and Suspension Certification
- ◆ Drug-Free Workplace Certification
- ◆ Lobbying Certification
- ◆ Seat Belt Use by Government Contractors, Subcontractors and Grantees
- ◆ Tribal Eligibility -- Government Discount Airfare
- ◆ Policy on Making Awards

Eligible Recipients. Block and formula grants may be awarded to States or units of local government and non-profit organizations, based upon statutory authority. (See appropriate program guidelines for eligibility.) Discretionary awards may be awarded to States, units of local government, Indian tribes and tribal organizations, individuals, educational institutions, hospitals, and private non-profit and private commercial organizations (if legislation allows) at the discretion of the awarding agency.

Program Announcements. Programmatic and technical requirements relating to block and formula grant applications are contained in block and formula grant guidelines available from the awarding agency. The awarding agency announces the programs which it has developed for funding under its discretionary award program in the FEDERAL REGISTER. A compilation of available assistance programs may also be found in the Catalog of Federal Domestic Assistance (CFDA) published by the U. S. General Services Administration.

Certified Assurances (Non-Discrimination Requirements). The applicant must assure and certify that they comply, and assure the compliance of their subrecipient, with all applicable civil rights non-discrimination requirements as set forth on the OJP Assurances Form 4000/3 (Attachment to SF-424).

In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, national origin, sex, or disability against a recipient of Federal funds, or any subgrantee or contractor of that recipient, a copy of such findings must be forwarded to the Office for Civil Rights, Office of Justice Programs.

All recipients and their subrecipients must also provide the Office for Civil Rights with an Equal Opportunity Plan, if required to maintain one, where the award is \$500,000 or more.

Intergovernmental Review. If the State has established a process for the review of Federal programs and activities eligible under Executive Order 12372 and a particular program has been selected for review by the State, applicants for the program must submit a copy of their application to the State "single point of contact" (SPOC) prior to or at the same time that the application is submitted to the awarding agency. Additional information concerning this requirement is contained in the individual program announcements.

Note: The awarding agency is required to assure that awards meet certain legislative, regulatory, and administrative requirements. This agency's policy is to provide assurance that awards are only for allowable, allocable, fair, and reasonable costs. Awards must be made only to eligible recipients. Applicants must possess the responsibility, financial management, fiscal integrity, and financial capability necessary to adequately and appropriately administer Federal funds. The awarding agency follows the requirements stipulated in the administrative requirements for grants and agreements that are codified at 28 CFR Part 66 and 28 CFR Part 70. In complying with these requirements, the awarding agency will perform the following.

Application Review. An examination of the Application for Federal Assistance (SF 424) is conducted to determine:

1. **Type of Applicant.** Such as new applicant (organizations that have not had an active award within the last two fiscal years, not-for-profit (NPO), for-profit, State, or local unit of government, etc.).
2. **High Risk Applicant.** The awarding agency will obtain credit reports before making awards to new or high risk recipients (except State and local governments, including public colleges, universities, hospitals, or Federally-recognized Indian tribal governments). Also, the awarding agency shall obtain credit reports on any applicant when there is reason to believe that performance is substandard or there is evidence of financial irregularities. When an applicant is considered high risk by an agency, then all other like agencies must also consider the applicant high risk. For example: If BJA were to consider an applicant high risk and require progress reports be submitted more frequently, then other agencies, such as OJJDP or OVC, must also consider the applicant high risk.
3. **Accuracy of Taxpayer Identification Number (TIN).** This number includes the social security numbers (SSN) for individuals or employer identification numbers (EIN)¹ for business entities, which are used to identify our customers.
4. **Applicant Federal Debt.** The SF 424 includes a question about whether there is Federal debt. That question applies to the organization requesting the financial assistance, not the person who signs the application as the authorized representative of the organization. Categories of debt include delinquent audit disallowances, loans, and taxes.

¹ The awarding agency uses the SSN or EIN to track awards. There is no relationship to the Social Security Administration or the Internal Revenue Service. In certain circumstances, an arbitrary EIN will be assigned, e.g., awards made directly to subunits of government which need an identifier distinct from that of their parent agency.

5. **Financial Capability.** When the applicant is a non-governmental entity and if there has been no recent history with OJP, a financial capability questionnaire will be provided to the applicant. This questionnaire should be completed by an independent auditor and submitted to the awarding agency before the award is made.

Federal Debt (OMB Circular A-129). The awarding agency holds recipients accountable for any overpayment, audit disallowances, or any other breach of award that results in a debt owed to the Federal government. The awarding agency shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards and OMB Circular A-129.

Financial Analysis. The analysis of project applications includes:

1. Performing a cost analysis of each project application considered for funding by the awarding agency. Cost analysis includes obtaining cost breakdowns, verifying cost data, evaluating specific elements of costs, and examining data to determine the necessity, reasonableness, allowability, allocability, and appropriateness of the proposed cost. The form and extent of such an analysis will be determined by the awarding agency.
2. Accepting current Department of Justice-approved indirect cost rates or rates approved by other Federal agencies. If an applicant does not have an approved rate, they must submit an indirect cost proposal to their cognizant Federal agency.
3. Determining the adequacy of the applicant's accounting system and operations to ensure that Federal funds, if awarded, will be expended in a judicious manner. Where a non-governmental applicant (except public colleges, universities, and hospitals) has never received an award, the organization's accounting system should be reviewed prior to award or within a reasonable time thereafter to assure its adequacy and acceptability. This review should also apply where known financial or management deficiencies exist. The results of the review will determine the action to be taken by the awarding agency with regard to the award. Where an applicant has had prior awards, outstanding audit issues and delinquent audit, financial, or progress reports must be addressed prior to awarding additional funds.
4. Reviewing credit reports, delinquency status of Federal debt, and other prescreening information. The awarding agency will take such information into account when considering the application for award.

Debarment and Suspension Certification. This certification must be completed prior to recommendation for or against an award. The government-wide common rule for debarment and suspension and drug-free workplace, 28 CFR Part 67, provides guidance on requirements that recipients shall meet in order to receive Federal funds.

1. Title 28 of the Code of Federal Regulations (CFR), Part 67, provides that executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and non-financial assistance and benefits. Debarment or suspension of a participant in a program by one agency has

government-wide effect. It is the policy of the Federal government to conduct business only with responsible persons, and these guidelines will assist agencies in carrying out this policy.

2. Certification Regarding Debarment, Suspension, Ineligibility and Other Responsibility Matters -- Primary Covered Transactions (OJP Form 4061/2 or like form). Certifications must be completed and submitted by recipients of discretionary awards to the awarding agency's program offices during the application stage. Block/ formula recipients are exempt from submission of this certification but are responsible for monitoring subrecipient submissions of the lower tier certification (OJP Form 4061/1) and for maintaining them at the State level.
3. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions (OJP Form 4061/1 or like form). This requirement includes persons, corporations, etc. who have critical influence on or substantive control over the award. The direct recipient will be responsible for monitoring the submission and maintaining the official subrecipient certifications.

To summarize, the debarment and suspension common rule requires that both recipients and their subrecipients certify they will comply with the debarment and suspension common rule. Subcontractors are not required to certify if their subaward is less than \$100,000.

Drug-Free Workplace Certification. This certification must be submitted prior to recommendation for or against an award. The government-wide common rule for debarment and suspension and drug-free workplace, 28 CFR Part 67, provides guidance on requirements that recipients shall meet in order to receive Federal funds.

Subpart F of 28 CFR Part 67 implements the statutory requirements of the Drug-Free Workplace Act of 1989. All recipients receiving awards from any Federal agency shall certify to that agency that they will maintain a drug-free workplace, or, in the case of a recipient who is an individual, certify to the agency that his or her conduct of award activity will be drug-free. If a recipient makes a false certification, the recipient is subject to suspension, termination, and debarment.

1. The State agency responsible for administering the block/formula award shall submit a drug-free workplace certification to the awarding agency and shall be responsible for obtaining a drug-free workplace certification from each State agency that is sub-awarded funds. Subrecipients who are not State agencies are not required to submit a drug-free workplace certification.
2. A recipient is required to make the required certification for each award. The one exception to this rule is that a recipient who is a State, including a State agency, may elect to make a single annual certification to each awarding agency from which it obtains awards, rather than making a separate certification for each award or workplace. Only one such annual certification need be made to each Federal agency which will cover all of that State agency's workplaces.
3. There are two different certifications: one for individuals and one for organizations. The individual recipient certifies that he or she will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in

conducting any activity with the award. The organizational recipient certifies that it will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The recipient's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c. Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the employer's statement about drugs in the workplace.
- d. Notifying the employee that, as a condition of employment under the award, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
- e. Notifying the awarding agency within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice, with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace.

To summarize, the drug-free workplace common rule requires that ONLY direct recipients of Federal awards certify they will comply with the drug-free workplace common rule. There is no dollar threshold for certification.

Lobbying Certification. This certification must be submitted prior to recommendation for or against an award. The Department of Justice's (DOJ) codification of the government-wide common rule for restrictions on lobbying, 28 CFR Part 69, provides guidance on requirements that recipients shall meet in order to receive Federal funds.

The following restrictions on lobbying are applicable to all recipients and subrecipients. Interim Final Guidance for New Restrictions on Lobbying was published in the Federal Register in December 1989. The Lobbying Disclosure Act of 1995 included amendments that have an impact on the guidance provided in 1989. Per 31 USC §1352, the restrictions on lobbying are as follows:

1. No Federally-appropriated funds may be expended by the recipient of a Federal award, cooperative agreement, or contract to pay a person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, or cooperative agreement.
2. Each person who requests or receives from an agency an initial Federal contract, award, or cooperative agreement (including subcontracts, subawards, and contracts under cooperative agreements) exceeding \$100,000 shall file with that agency a certification regarding lobbying. The certification shall be submitted to the agency making the award. Each person is certifying that:
 - a. They have not made, and will not make, any payment for a lobbying activity.
 - b. If any non-Federal funds have been paid or will be paid to any person, they will complete and submit a "Disclosure of Lobbying Activities" form (Disclosure Form).
 - c. The language of this certification will be included in their award documents for all subawards at all tiers (including subcontracts, subawards and contracts under awards, and cooperative agreements), and all subrecipients shall certify and disclose accordingly.
 - d. Each person, if applicable, shall submit the Disclosure Form to the agency making their award. The recipient or subrecipient is responsible for reporting lobbying activities of its employees if the employee's tenure is less than 130 working days within one year immediately preceding the date of the recipient's or subrecipient's application or proposal submission.

- e. A subrecipient, who requests or receives Federal funds exceeding \$100,000, shall be required to file with the agency making their award a certification and a Disclosure Form, if applicable. All certifications shall be maintained by the agency making the award and all Disclosure Forms shall be forwarded from tier to tier until received by the Federal agency making the award. That agency shall forward all Disclosure Forms to the awarding agency. The Disclosure Form shall contain the following information:
 - (1) Name and address of reporting entity;
 - (2) Federal program name;
 - (3) Federal award number;
 - (4) Federal award amount; and
 - (5) Name and address of lobbying registrant.
- 3. The above requirements DO NOT apply to Federally-recognized Indian tribes, or tribal organizations, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
- 4. Each person shall file a Disclosure Form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any Disclosure Form previously filed by such persons. Examples of such events are:
 - a. A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action;
 - b. A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
 - c. A change in the officer(s), employee(s), or member(s) contacted to influence or attempt to influence a covered Federal action.
- 5. Penalties and enforcement of lobbying restrictions shall be as follows:
 - a. Any person who makes an expenditure prohibited by the New Restrictions on Lobbying shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.
 - b. Any person who fails to file or amend the Disclosure Form to be filed or amended, if required, shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

To summarize, the common rule for lobbying requires certification that recipients and their subrecipients certify they will comply with the lobbying common rule. This requirement is only

for awards made exceeding \$100,000. (See Chapter 16 for cost restrictions relating to Lobbying.)

To comply with the certification requirements provided in the common rules for lobbying, drug-free workplace, and suspension and debarment (so that recipients do not have to sign three certifications), we have combined them into OJP Form 4061/6, entitled "Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements."

Seat Belt Use by Government Contractors, Subcontractors, and Grantees. Pursuant to 23 USC §§402, 403 and 29 USC §668, each recipient agency, of Federal contracts, subcontracts, and grants shall encourage adoption and enforcement of on-the-job seat belt policies and programs for their employees, contractors, and subrecipients when operating company-owned, rented, or personally owned vehicles.

Tribal Eligibility -- Government Discount Airfare. Tribal organizations carrying out a contract, grant, or cooperative agreement, are eligible to have access to Federal sources of supply, including lodging providers, airlines, and other transportation providers. Section 201(a) of the Federal Property and Administrative Services Act, 40 USC §481(a) indicates that employees of tribal organizations are eligible to have access to sources of supply on the same basis as employees of an executive agency have such access if a request is made by the tribal organization.

Policy on Making Awards. This agency will not make an award to any applicant who has an overdue audit report or an open audit report where the recipient has not attempted to respond or has taken no action to resolve findings. Every applicant for funding is on notice that, unless they are in compliance with the audit requirements, their application may be rejected. Exceptions to this policy are by recommendation of the Comptroller, OJP, to the awarding agency.

NOTES

Chapter 2: Conditions of Award and Acceptance

Highlights of Chapter:

- ◆ Award Document
- ◆ Acceptance Procedures
- ◆ Special Conditions
- ◆ Federal Obligation Process

Award Document. After completion of the internal review process, award applications designated for approval are formally awarded in the form of an issuance of an Award Document. This document includes:

- ! Name of recipient and subrecipient (if applicable);
- ! Award period;
- ! Type of Federal funds;
- ! Amount of Federal funds;
- ! Award number; and
- ! Special conditions, as appropriate, that the recipient/subrecipient must meet if the award is accepted.

This award notification is applicable to all award applications approved for award. Correspondence concerning the award should refer to the designated award number shown on the Award Document.

Acceptance Procedures. The Award Document constitutes the operative document obligating and reserving Federal funds for use by the recipient in execution of the program or project covered by the award. Such obligation may be terminated without further cause if the recipient fails to affirm its timely utilization of the award by signing both the award document and special conditions and returning them to the awarding agency **WITHIN 45 DAYS** from the date of award. COPS awards have a 90 day acceptance time frame. No Federal funds will be disbursed to the recipient until the signed acceptance has been received by the awarding agency. Recipients should review and understand all special conditions prior to the acceptance of the award.

Special Conditions include terms and conditions of the award. They may include special provisions for audit, conferences, and disposition of program income.

All Awards will include special conditions concerning: (1) compliance with this guide; (2) compliance with the audit requirements; and (3) the submission of an Equal Employment

Opportunity Plan. Failure to comply with special conditions may result in a withholding of funds.

Also, the recipient, upon accepting the award, agrees to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility Verification form (I-9). This form is to be used by recipients of Federal funds to verify that persons are eligible to work in the United States.

Commercial Award recipients receiving grant funding from OJP should be aware of the additional special conditions placed on these awards. In addition to the three special conditions referenced in the “All Awards” section, commercial organizations must agree not to make a profit as a result of an award and must agree not to charge a management fee to the performance of an award. Also, commercial organizations must agree to comply with the Federal Acquisition Regulations cost principles.

Information Technology (IT) Award recipients are prohibited from drawing funds against the award until the recipient notifies the State Information Technology Point of Contact by written correspondence of the information technology project. This correspondence should include a brief description of the project. A copy of the correspondence should be sent to the program manager. Once the copy has been received, the program manager will retire this condition and inform you of this action. If there is no State Information Technology Point of Contact, the recipient agrees to submit a letter to the program manager stating that this condition is not applicable for that reason. The intent of this condition is to facilitate information system communication. This condition does not require that the point of contact concur with the information technology project.

Cancellation for Block and Formula Subawards. The State must condition each block and formula subaward to include the following cancellation procedures.

1. **Commencement Within 60 Days.** If a project is not operational within 60 days of the original start date of the award period, the subrecipient must report by letter to the State the steps taken to initiate the project, the reasons for delay, and the expected start date.
2. **Operational Within 90 Days.** If a project is not operational within 90 days of the original start date of the award period, the subrecipient must submit a second statement to the State explaining the implementation delay. Upon receipt of the 90-day letter, the State may cancel the project and request the Federal agency approval to redistribute the funds to other project areas. The State may also, where extenuating circumstances warrant, extend the implementation date of the project past the 90-day period. When this occurs, the appropriate subaward files and records must so note the extension.

Federal Obligation Process. After an award has been signed by the Federal awarding agency, the amount of the award is considered an obligation of the Federal government and is recorded as such in its accounting system. Appropriated funds are thereby reserved against the award until all monies are expended by the recipient and subrecipient or, in the case of non-utilization of funds within statutory or other time limits, appropriated funds revert to the awarding agency through deobligation of the unused balance.

NOTES

Chapter 3: Standards for Financial Management Systems

Highlights of Chapter:

- ◆ Accounting System
- ◆ Total Cost Budgeting and Accounting
- ◆ Commingling of Funds
- ◆ Recipient and Subrecipient Accounting Responsibilities
- ◆ Cash Depositories
- ◆ Supplanting

All recipients are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records shall include both Federal funds and all matching funds of State, local, and private organizations, when applicable.

State recipients shall expend and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Subrecipients of States shall follow the financial management requirements imposed on them by States. (State and local procedures must ensure subrecipients comply with the financial management standards found at 28 CFR Parts 66 and 70.)

Accounting System. The recipient is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself and for ensuring that an adequate system exists for each of its subrecipients. An acceptable and adequate accounting system:

1. Presents and classifies projected historical cost of the grant as required for budgetary and evaluation purposes;
2. Provides cost and property control to ensure optimal use of funds;
3. Controls funds and other resources to assure that the expenditure of funds and use of property are in conformance with any general or special conditions that apply to the recipient;
4. Meets the prescribed requirements for periodic financial reporting of operations; and
5. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

Funds may be awarded as formula/block or discretionary awards. The various financial requirements and formulas of the awarding agency's programs, as well as the need for recipients to separately account for individual awards, require a special program account structure extending beyond normal classification by type of receipts, expenditures, assets, and liabilities.

1. **Block and Formula Awards.** To properly account for block and formula awards, the State should establish and maintain program accounts which will enable separate identification and accounting for:
 - a. Formula and block grant funds expended through programs of local government; and
 - b. Formula funds utilized to develop a State plan and to pay that portion of expenditures which are necessary for administration.
2. **Discretionary Awards.** To properly account for discretionary awards, all recipients should establish and maintain program accounts which will enable, on an individual basis, separate identification and accounting for:
 - a. Receipt and disposition of all funds (including project income);
 - b. Funds applied to each budget category included within the approved award;
 - c. Expenditures governed by any special and general provisions; and
 - d. Non-Federal matching contribution, if required.

Total Cost Budgeting and Accounting. Accounting for all funds awarded by the Federal agency shall be structured and executed on a "total program cost" basis. That is, total program costs, including Federal funds, State and local matching shares, and any other fund sources included in the approved project budget or received as program income shall be the foundation for fiscal administration and accounting. Applications for funding and financial reports require budget and cost estimates on the basis of total costs.

Commingling of Funds. Federal agencies shall not require physical segregation of cash deposits or the establishment of any eligibility requirements for funds which are provided to a recipient. However, the accounting systems of all recipients and subrecipients must ensure that agency funds are not commingled with funds from other Federal agencies. Each award must be accounted for separately. Recipients and subrecipients are prohibited from commingling funds on either a program-by-program basis or a project-by-project basis.

Funds specifically budgeted and/or received for one project may not be used to support another. Where a recipient's or subrecipient's accounting system cannot comply with this requirement, the recipient or subrecipient shall establish a system to provide adequate fund accountability for each project which it has awarded.

Recipient and Subrecipient Accounting Responsibilities include:

1. **Reviewing Financial Operations.** Direct recipients should be familiar with, and periodically monitor, their subrecipient's financial operations, records, system, and procedures. Particular attention should be directed to the maintenance of current financial data.

2. **Recording Financial Activities.** The subrecipient's award or contract obligation, as well as cash advances and other financial activities, should be recorded in the books of the recipient in summary form. Subrecipient expenditures should be recorded on the books of the recipient or evidenced by report forms duly filed by the subrecipient. Non-Federal contributions applied to programs or projects by subrecipients should likewise be recorded, as should any program income resulting from program operations.
3. **Budgeting and Budget Review.** The recipient should ensure that each subrecipient prepares an adequate budget on which its award commitment will be based. The detail of each project budget should be maintained on file by the recipient.
4. **Accounting for Non-Federal Contributions.** Recipients will ensure that the requirements, limitations, and regulations pertinent to non-Federal contributions are applied.
5. **Audit Requirements.** Recipients must ensure that subrecipients have met the necessary audit requirements contained in this Guide (see Chapter 19: Audit Requirements).
6. **Reporting Irregularities.** Recipients and their subrecipients are responsible for promptly notifying the awarding agency and the Federal cognizant audit agency of any illegal acts or irregularities and of proposed and actual actions, if any. Please notify the Office of the Comptroller Customer Service Center at 1-800-458-0786 if any irregularities occur. Illegal acts and irregularities include conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.
7. **Debarred and Suspended Organizations.** Recipients and subrecipients must not award or permit any award at any level to any party which is debarred or suspended from participation in Federal assistance programs. For details regarding debarment procedures, see 28 CFR Part 67, Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-free Workplace (Grants).
8. **Bonding.** The awarding agency may require adequate fidelity bond coverage where recipient lacks sufficient coverage to protect the Federal government interest (see OMB Circular A-110, Attachment, Subpart C, paragraph 21(c)).

Where the conduct of a program or one of its components is delegated to a subrecipient, the direct recipient is responsible for all aspects of the program including proper accounting and financial recordkeeping by the subrecipient. Responsibilities include the accounting of receipts and expenditures, cash management, the maintaining of adequate financial records, and the refunding of expenditures disallowed by audits.

Cash Depositories. In accordance with the administrative requirements for government and non-governmental entities, recipients are encouraged to use minority banks (banks which are owned at least 50 percent by minority group members). A list of minority-owned banks may be obtained from the Minority Business Development Agency, Department of Commerce, Washington, D. C. 20230.

Supplanting. A written certification must be provided to the awarding agency or recipient agency that Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds for program activities and not replace those funds which have been appropriated for the same purpose. Potential supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is a potential presence of supplanting, the applicant or grantee will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

NOTES

PART III -- POST AWARD REQUIREMENTS

Chapter 1: Payments

Highlights of Chapter:

- ◆ Payment Methods
- ◆ Withholding of Funds
- ◆ Minimum Cash on Hand
- ◆ Interest Earned
- ◆ Cash Management Improvement Act of 1990

Payment Methods.

The Office of Justice Programs (OJP) offers two methods for requesting payment of grant funds which are Letter-of-Credit Electronic Certification System (LOCES) and the Phone Activated Paperless Request System (PAPRS). Recipients are required to complete the ACH, electronic funds transfer form. Funds will be available by electronic transfer only. Recipients are also reminded to coordinate with their respective financial institutions for an addendum record which contains payment related information for their records.

LOCES is a modem connection service that allows recipients of OJP funds to electronically request payment from OJP on one day and receive a direct deposit to their bank for the requested funds usually on the following day. To make requests for payment through LOCES, an organization must have a personal computer with a 1200 or 2400 baud capable modem operating with DOS 3.1 or later. OJP requires the contact names, telephone numbers, and addresses of various individuals who will be involved in LOCES. After the LOCES Computer Information Form is received, a complete information package is sent out which contains the Vendor Express enrollment form, SF 3881. After this form is received, the LOCES program diskette and passwords are mailed separately to the authorized user to ensure security of the system.

PAPRS allows grant recipients immediate access to OJP funds through the use of a touch tone telephone. The use of electronic means to transfer money from the U.S. Treasury became law under the Debt Collection Improvement Act passed by Congress and signed by President Clinton effective July 26, 1996. Grant recipients should complete and return the Automated Clearing House (ACH) Enrollment Form included in the PAPRS information packet and return it to the OJP/OC Accounting Division (AD). Through the combined use of PAPRS and ACH, approved requests will be deposited into the grantee's financial institution within 48 hours. The grantee will receive their password/PIN and corresponding Grant ID numbers from AD. The password is to be given only to authorized persons of the grantee organization and not given to subgrantees. The recipient is solely responsible for the security of this access code. AD provides a user manual that has instructions for using the system.

Withholding of Funds. When a recipient organization receiving cash funds by letter of credit or by electronic transfer of funds to the grantee's financial institution demonstrates: (1) an unwillingness or inability to attain program or project goals or to establish procedures that will minimize the time elapsing between cash drawdowns and expenditures; (2) cannot adhere to guideline requirements or special conditions; (3) engages in the improper award and administration of subawards or contracts; or (4) is **UNABLE TO SUBMIT RELIABLE AND/OR TIMELY REPORTS**; the awarding agency may withhold drawdowns and require the recipient organization to finance its operations with its own working capital.

Minimum Cash on Hand. Whatever payment method is used, recipient organizations should request funds based upon immediate disbursement requirements. Funds will not be paid in a lump sum, but rather disbursed over time as project costs are incurred or anticipated (with the exception of Local Law Enforcement Block Grants, LLEBG, Juvenile Accountability Incentive Block Grants, JAIBG, and State Criminal Alien Assistance Program Grants, SCAAP, which are paid in a lump sum). Recipients should time their drawdown requests to ensure that Federal cash on hand is the minimum needed for disbursements to be made immediately or within a few days.

Fund requests from subrecipients create a continuing cash demand on award balances of the State. The State should keep in mind that idle funds in the hands of subrecipients will impair the goals of cash management. All recipients must develop procedures for the disbursement of funds to ensure that cash on hand is kept at a minimal balance.

Interest Earned. Recipients and subrecipients shall minimize the time elapsing between the transfer and disbursement of funds. Recipients and subrecipients who administer confidential funds may establish different procedures for administering confidential funds to provide quick access to funds to meet the needs of the project. Also, interest income on LLEBG Block and JAIBG Block grants, must be accounted for and reported as program income and used in accordance with the provisions of Chapter 4 (Program Income) of this guide.

1. In accordance with Section 203 of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577; 31 USC § 6503(a)), a State and its subrecipient and any agency or instrumentality of a State, including State institutions of higher education and State hospitals, but not political subdivisions of a State (cities, towns, counties, and special districts created by State law) **SHALL NOT** be held accountable for interest earned on grant money pending its disbursement for program purposes.

This refers to formula grant programs where subawards are made to local jurisdictions. Subrecipients under formula grant programs are held accountable for interest earned on advances.

2. In accordance with Sections 102, 103, and 104 of the Indian Self Determination Act (Pub. L. 93-638; USC §450(j)), tribal organizations **SHALL NOT** be held accountable for interest earned pending their disbursement by such organizations.
3. All recipients and subrecipients, except as specified in items 1 and 2 above, **SHALL** account for interest earned on Federal funds as follows:

- a. May keep interest earned on Federal grant funds up to \$250 PER FISCAL YEAR per recipient or subrecipient. This amount is not per award but from all funds received as a result of Federal programs.
- b. Annually remit interest earned (over and above the \$250 per fiscal year) on Federal grant funds to the United States Department of Health and Human Services, Division of Payment Management Services, P. O. Box 6021, Rockville, MD 20852.

Note: Interest earned on LLEBG Block and JAIBG Block grants must be accounted for and reported as program income and used in accordance with the provisions of Chapter 4 (Program Income) of this guide.

Cash Management Improvement Act of 1990. To the extent that the provisions of the Cash Management Improvement Act (CMIA) (Pub. L. 101-453) govern, payment methods of State agencies, instrumentalities, and fiscal agents must be consistent with CMIA Treasury-State Agreements or the CMIA default procedures codified at 31 CFR Part 205, "Withdrawal of Cash from the Treasury for Advances under Federal Grant and Other Programs." Copies of 31 CFR Part 205 may be obtained from the DOJ Response Center at 1-800-421-6770.

NOTES

Chapter 2: Period of Availability of Funds

Highlights of Chapter:

- ◆ Redesignation of Fund Year
- ◆ Availability of Awards
- ◆ Obligation of Funds
- ◆ Expenditure of Funds
- ◆ Award Extension Criteria

Redesignation of Fund Year. States are prohibited from changing their block/formula awards and their related obligations and expenditures from one Federal fiscal year to another Federal fiscal year.

Availability of Awards. Block/formula grants administered by the Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are awarded for the Federal fiscal year of the appropriation plus two additional Federal fiscal years.

Formula grants administered by the Office for Victims of Crime (OVC) awards are available for the fiscal year of the award plus three additional fiscal years.

Discretionary awards made by OJP offices and bureaus are awarded for a specified time and a particular award period is established for each award (usually 12 or 18 months).

Obligation of Funds. An obligation occurs when funds are encumbered, such as a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the begin date and up to the last day of the grant period in the award. Any funds not properly obligated by the recipient within the grant award period will lapse and revert to the awarding agency. The obligation deadline is the last day of the grant award period unless otherwise stipulated. (**Example:** If the award period is 10/1/98 to 9/30/99, the obligation deadline is 9/30/99). Block/formula grantees and subgrantees must complete performance during the obligation period. Performance as a result of a contract under a block/formula grant may be completed during the expenditure period not to exceed 90 days after the end date of the grant.

Note: LLEBG Block Grants beginning with 1999, the obligation period will begin after the required public hearing and advisory board meeting(s).

Expenditure of Funds. Block, formula, and discretionary funds which have been properly obligated by the end of the award period will have 90 days in which to be liquidated (expended). Any funds not liquidated at the end of the 90-day period will lapse and revert to the awarding agency, unless a grant adjustment notice extending the liquidation period has been approved. (**Example:** If the award period is 10/1/98 to 9/30/99, the expenditure deadline is 12/29/99).

Note: LLEBG Block grants beginning with 1999 do not allow the 90 day liquidation period. The recipient has 24 months from the date of the approved drawdown request to expend/liquidated grant funds. The LLEBG Block grant recipients will receive a Grant Adjustment Notice (GAN) that will identify both the obligation and expenditure periods.

Award Extension Criteria. Block, formula, and discretionary awards (except for Victims Compensation and Assistance funds) may be awarded an extension of the obligation date in response to a written request for an extension stating the need for the extension and indicating the additional time required. Written requests must be submitted in the following timeframe:

! **Block/Formula awards:** 60 calendar days before the end date of the award.

Note: Byrne Formula awards have new requirements to request extensions. The recipient should contact the BJA grant advisor for the additional requirements.

! **Discretionary awards:** 30 calendar days before the end date of the award.

The extension allowable for any project period is generally 12 months and requests for retroactive extension of project periods will not be considered. Generally, only one extension per award will be permitted. Application for an extension of the obligation period of a program or set of programs beyond 12 months must be justified by extraordinary circumstances beyond the control of the recipient and subrecipient.

Extensions will only be considered if the EXTENSION CRITERIA established below are met by the recipient at the time the request for the extension of the obligation deadline is submitted to the awarding agency for approval. Modifications of the general extension policy stated above are at the discretion of the awarding agency. Extension of the expenditure deadline date is allowable for all awards (including Victims Compensation and Assistance) upon written request for the extension and written approval by the awarding agency.

The extension criteria for extending the obligation or expenditure deadline for a project, program, or set of programs includes the following:

1. **Financial Reports.** There must be on file with the awarding agency current and acceptable Financial Status Reports, SF 269As (formerly the H-1 Report), and all identified financial issues must be resolved.
2. **Special Conditions.** All special conditions attached to the award must be satisfied except those conditions that must be fulfilled in the remaining period of the award. This also includes the performance and resolution of audits in a timely manner.
3. **Justification.** A narrative justification must be submitted with the project or program extension request. Complete details must be provided, including the justification and the extraordinary circumstances which require the proposed extension. Explain the effect of a denial of the request on the project or program.
4. **Approval.** The awarding agency is expected to take action on any proposed extension request within 15 work days after receipt of the request.

5. **Extension Avoidance.** To avoid the need to make a request to extend the obligation or expenditure deadline of a block/formula program, all subawards should be made at least six months prior to the end of the obligation deadline for the award.

NOTES

Chapter 3: Matching or Cost Sharing

Highlights of Chapter:

- ◆ Match Requirements
- ◆ Types of Match
 - Cash Match
 - In-kind Match
- ◆ Source and Types of Funds
- ◆ Timing of Matching Contribution
- ◆ Records for Match
- ◆ Waiver of Match
- ◆ Match Limitation

Match Requirements. Match for the block/formula award program is to be provided for on a project-by-project basis, unless otherwise stated in the program guidelines. Any deviation from the program guidelines must receive the prior written approval of the awarding agency. Funds provided for a match must be used to support a Federally-funded project and must be in addition to and therefore supplement funds that would otherwise be made available for the stated program purpose. In the case of Byrne Formula Grants, the program area would be law enforcement. Match is restricted to the same use of funds as allowed for the Federal funds.

Types of Match.

1. Cash Match (hard) includes cash spent for project-related costs. Allowable cash match must include those costs which are allowable with Federal funds with the exception of the acquisition of land, when applicable.
2. In-kind (soft) includes, but is not limited to, the valuation of in-kind services. "In-kind" is the value of something received or provided that does not have a cost associated with it. For example, if in-kind match is permitted by law (other than cash payments), then the value of donated services could be used to comply with the match requirement. Also, third party in-kind contributions may count toward satisfying match requirements provided the grantee receiving the contributions expend them as allowable costs (see 28 CFR Part 66.24, Grants Management Common Rule for State and Local Units of Governments).

Source and Type of Funds. Cash match (hard) may be applied from the following sources:

1. Funds from States and local units of government that have a binding commitment of matching funds for programs or projects.
2. Funds from the following:

- a. Housing and Community Development Act of 1974, 42 USC §5301, et seq. (subject to the applicable policies and restrictions of the Department of Housing and Development).
 - b. Appalachian Regional Development Act of 1965, 40 USC §214.
3. Equitable Sharing Program, 21 USC §881(e) (current guidelines developed by the DOJ Asset Forfeiture Office apply). Forfeited assets used as match from the Equitable Sharing Program would be adjudicated by a Federal court.
4. Funds contributed from private sources.
5. Program income and the related interest earned on that program income generated from projects may be used as match provided it is identified and approved prior to making an award.
6. Program income funds earned from seized assets and forfeitures (adjudicated by a State court, as State law permits).
7. Funds appropriated by Congress for the activities of any agency of a Tribal government or the Bureau of Indian Affairs performing law enforcement functions on Tribal lands may be used as matching funds.
8. Otherwise authorized by law.

Timing of Matching Contributions. Matching contributions need not be applied at the exact time or in proportion to the obligation of the Federal funds. However, the full matching share must be obligated by the end of the period for which the Federal funds have been made available for obligation under an approved program or project. Time-phased matching may be required by the awarding agency on awards to non-governmental recipients.

Records for Match. Recipients and their subrecipients must maintain records which clearly show the source, the amount, and the timing of all matching contributions. In addition, if a program or project has included within its approved budget contributions which exceed the required matching portion, the recipient must maintain records of them in the same manner as it does the awarding agency funds and required matching shares. For all block/formula funds, the State has primary responsibility for subrecipient compliance with the requirements. For all discretionary funds, the recipient and the subrecipient or contractual recipient have shared responsibility for ensuring compliance with the requirements regarding matching shares.

Waiver of Match.

1. 42 USC §3754(a) of the Omnibus Crime Control Act provides that, in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any program or project described in 42 USC §3752 of the Crime Control Act, the Federal portion shall be 100 percent of such cost.

2. 42 U.S.C. §5675 (c) (1) of the Juvenile Justice Act provides that, in the case of an award under Title II to an Indian tribe, if the Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP), determines that the tribe does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the award, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary. This provision applies also to cooperative agreements.
3. In accordance with 48 USC §1469a, the awarding agency, in its discretion, shall waive any requirement for matching funds under \$200,000 otherwise required by law to be provided by the certain insular areas. This waiver applies to ALL awards made to American Samoa, Guam, Virgin Islands, and Northern Mariana Islands.

Match Limitation. A certification must be provided that Byrne Formula funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for law enforcement programs by the recipients of grant funds. This certification shall be in writing and submitted with the application for funding.

NOTES

Chapter 4: Program Income

Highlights of Chapter:

- ◆ Use of Program Income
- ◆ Examples of Program Income and Disposition Requirements
 - Addition Method
 - Sale of Property
 - Royalties
 - Attorney's Fees and Costs
 - Registration/Tuition Fees
 - Asset Seizures and Forfeitures
- ◆ Accounting for Program Income
- ◆ Procedures for Recovery of Costs

Use of program income may be to supplement project costs or reduce project costs or may be refunded to the Federal government. Program income may only be used for allowable program costs.

Examples of Program Income and Disposition Requirements and the Policies Governing the Disposition of the Various Types of Program Income.

1. **Addition Method** of handling program income. In the absence of other restrictions on disposition contained within the award or the terms and conditions of the project, program income shall be added to the funds committed in the agreement. The program income shall be used as earned by the recipient/subrecipient for any purpose that furthers the broad objectives of the legislation under which the award was made (i.e., expanding the project or program, continuing the project or program that furthers the broad objectives of the State, obtaining equipment or other assets needed for the project or program, or for other activities that further the statute's objectives).

Responsibilities:

- a. Primary recipients of block/formula recipients will be responsible for requiring subrecipients to comply with program income guidelines.
 - b. Block/formula subrecipients and the awarding agency's discretionary recipients will be responsible for the implementation and compliance of program income guidelines.
 - c. Technical assistance, where needed, will be provided by the Office of the Comptroller.
2. **Sale of Property.** In the case of real property purchased in part with Federal funds, the recipient and/or subrecipient may be permitted to retain title upon compensating the awarding agency for its fair share of the property. The Federal share of the property

shall be computed by applying the percentage of the Federal participation in the total cost of the project for which the property was acquired to the current fair market value of the property.

3. **Royalties.** Recipient shall retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the project provide otherwise or a specific agreement governing such royalties has been negotiated between the awarding agency and the recipient.
4. **Attorney's Fees and Costs.** Income received pursuant to a court-ordered award of attorney's fees or costs, which is received subsequent to completion of the project, is program income to the extent it represents a reimbursement for attorney's fees and costs originally paid under the award. Disposition of such program income is subject to the restrictions on the use of program income set forth in the award.
5. **Registration/Tuition Fees.** These types of program income shall be treated in accordance with disposition instructions set forth in the project's terms and conditions.
6. **Asset Seizures and Forfeitures.** Income received from the sale of seized and forfeited assets (personal or real property) or from seized and forfeited money shall follow the "Addition Method" of handling program income unless an alternate method for handling program income is designated in the recipient's award document. The following policies apply to program income from asset seizures and forfeitures:
 - a. Program income, with the approval of the recipient, may be retained by the entity earning the program income or used by the recipient for any purpose that furthers the objectives of the legislation under which the grant was made.
 - b. States or local units of government, MAY USE PROGRAM INCOME FUNDS FROM SEIZED AND FORFEITURE ASSETS AS MATCH, when assets are adjudicated by a State Court, in accordance with the State law. In addition, State and local units of government MAY use cash received under the equitable sharing program for the non-Federal portion (match) of program costs, as provided for in the guidelines established by the DOJ Asset Forfeiture Office, when the assets are adjudicated by a Federal Court.
 - c. There are no Federal requirements governing the disposition of program income earned after the end of the funding period unless the terms of the award or the awarding agency's regulations provide otherwise. **PROGRAM INCOME FROM ASSET SEIZURES AND FORFEITURES IS CONSIDERED EARNED BY THE PROJECT AT THE TIME OF THE SEIZURE, I.E., TRANSFER OF CUSTODY TO GOVERNMENT ENTITY, AND IS AVAILABLE FOR USE BY THE RECIPIENT UPON FORFEITURE.**

Note: Fines as a result of law enforcement activities are not considered program income.

Accounting for Program Income. All income generated as a direct result of an agency-funded project shall be deemed program income. Program income must be used for the purposes and under the conditions applicable to the award. Unless specified by the awarding agency, program income should be used as earned and expended as soon as possible. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income. If there is no special condition on the award concerning the accounting for program income after the funding period, then program income can be used at the discretion of the recipient. The Federal portion of program income must be accounted for up to the same ratio of Federal participation as funded in the project or program. For example:

1. A discretionary project funded by 100 percent Federal funds must account for and report on 100 percent of the total program income earned. If the total program income earned was \$20,000, the recipient must account for and report the \$20,000 as program income on the Financial Status Report.
2. If a recipient was funded by formula/block funds at 75 percent Federal funds and 25 percent non-Federal funds and the total program income earned by the grant was \$100,000, \$75,000 must be accounted for and reported, by the recipient, as program income on the Financial Status Report.

Procedures for Recovery of Costs Incurred by State and Local Law Enforcement Agencies.

1. **Authorization of Reimbursement.** When a State or local law enforcement agency provides information to the Internal Revenue Service (IRS) that substantially contributes to the recovery of Federal taxes imposed with respect to illegal drug-related activities (or money laundering in connection with such activities), the agency may be reimbursed by IRS for costs incurred in the investigation (including but not limited to reasonable expenses, per diem, salary, and overtime) not to exceed 10 percent of the sum recovered.
2. **Records.** The IRS shall maintain records of the receipt of information from a contributing agency and shall notify the agency when monies have been recovered as the result of such information. Following such notification, the agency shall submit a statement detailing the investigative costs it incurred. Where more than one State or local agency has given information, the IRS shall equitably allocate investigative costs among the agencies not to exceed an aggregate amount of 10 percent of the taxes recovered.
3. **No Duplicative Reimbursement.** No State or local agency may receive reimbursement under Section 7624 if reimbursement has been received by the agency under a Federal or State forfeiture program or under State revenue laws.
4. **Awarding Agency Funds.** If the information/investigation is performed with awarding agency funds, the reimbursement received from IRS would be program income and subject to the program income guidelines discussed above.

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Chapter 5: Adjustments to Awards

Highlights of Chapter:

- ◆ Types of Project Changes
- ◆ Notification
- ◆ Reprogramming of Funds

All requests for programmatic and/or administrative budget changes must be submitted in a timely manner by the recipient/subrecipient. All requests for changes to the approved award shall be carefully reviewed by the applicable authority for both consistency with this Guide and their contribution to project goals and objectives.

Types of Project Changes.

1. Change in project site.
2. Changes which increase or decrease the total cost of the project.
3. Change in approved budget categories in excess of 10 percent of the total award amount. Movement of dollars between approved budget categories is approved up to 10 percent of the total budget cost (total award amount) as last approved by the awarding agency provided there is no change in project scope. When the cumulative changes exceed 10 percent of the total award amount or change the scope of the project, prior approval from the awarding agency is required. This 10 percent rule applies to awards over \$100K only.
4. Change in or temporary absence of the project manager/director.
5. Transfer of project.
6. Successor in interest and name change agreements.
7. Addition of an item to the project budget requiring prior approval.
8. Retirement of special conditions, if required.
9. Change in period (no cost extension).
10. Change in the scope of the programmatic activities or purpose of the project.

Notification. All recipients must give prompt notification in writing to the awarding agency of events or proposed changes which may require an adjustment/notification. In requesting an adjustment, the recipient must set forth the reasons and basis for the proposed change and any other data deemed helpful for awarding agency review.

Reprogramming of Funds. The movement of funds awarded under Crime Control programs from one program to another program contained in an approved State block or formula award, which results in deletion or addition of a program or change in the subrecipient, must be approved by the awarding agency prior to the expenditure of funds. The awarding agency will consider retroactive approval only in extremely unusual circumstances. When such retroactive approval is not considered warranted, the awarding agency will exercise its option to reduce the award by the amount of the unauthorized reprogrammed funds.

NOTES

Chapter 6: Property and Equipment

Highlights of Chapter:

- ◆ Acquisition of Property and Equipment
- ◆ Screening
- ◆ Loss, Damage, or Theft of Equipment
- ◆ Equipment Acquired with BJA Formula Funds
- ◆ Equipment Acquired with OJJDP or OVC Formula Funds
- ◆ Equipment and Non-expendable Personal Property Acquired with Discretionary Funds
- ◆ Real Property Acquired with Formula Funds
- ◆ Real Property Acquired with Discretionary Funds
- ◆ Federal Equipment
- ◆ Replacement of Property
- ◆ Retention of Property Records
- ◆ Supplies
- ◆ Copyrights
- ◆ Patents, Patent Rights, and Inventions

Acquisition of Property and Equipment. Recipients/subrecipients are required to be prudent in the acquisition and management of property with Federal funds. Expenditure of funds for the acquisition of new property, when suitable property required for the successful execution of projects is already available within the recipient or subrecipient organization, will be considered an unnecessary expenditure.

Note: Equipment purchased using funds made available under Federal grants shall be year 2000 compliant and shall be able to process all time/date data after December 31, 1999.

Screening. Careful screening should take place before acquiring property in order to ensure that it is needed with particular consideration given to whether equipment already in the possession of the recipient/subrecipient organization can meet identified needs. While there is no prescribed standard for such review, recipient/subrecipient procedures may establish levels of review dependent on factors such as the cost of the proposed equipment and the size of the recipient or subrecipient organization. The establishment of a screening committee may facilitate the process; however, a recipient or subrecipient may utilize other management techniques which it finds effective as a basis for determining that the property is needed and that it is not already available within the recipient's organization.

The awarding agency's program monitors must ensure that the screening referenced above takes place and that the recipient/subrecipient has an effective system for property management. Recipients/subrecipients are hereby informed that if the awarding agency is made aware that the recipient/subrecipient does not employ an adequate property management system, project costs associated with the acquisition of the property may be disallowed.

Loss, Damage, or Theft of Equipment. Recipients/subrecipients are responsible for replacing or repairing the property which is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage, or theft of the property must be investigated and fully documented and made part of the official project records.

Equipment Acquired with Crime Control Act Block/Formula Funds (BJA). Equipment acquired shall be used and managed to ensure that the equipment is used for criminal justice purposes. Standards and procedures governing ownership, use, management, and disposition are as follows:

1. **Title.** The Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC §3789, et seq., Section 808, requires that the title to all equipment and supplies purchased with funds made available under the Crime Control Act shall vest in the criminal justice agency or non-profit organization that purchased the property, if it provides written certification to the State office that it will use the property for criminal justice purposes. If such written certification is not made, title to the property shall vest in the State office, which shall seek to have the equipment and supplies used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.
2. **Use and Management.** A subrecipient or State shall use and manage equipment in accordance with their own procedures as long as the equipment is used for criminal justice purposes.
3. **Disposition.** When equipment is no longer needed for criminal justice purposes, a State shall dispose of equipment (for both the State and subrecipients), in accordance with State procedures, with no further obligation to the awarding agency.

Equipment Acquired with Juvenile Justice Act Formula and Victims of Crime Act Assistance (Formula) Funds (OJJDP & OVC). Equipment acquired under an award shall be used and managed to ensure that the equipment is used for criminal justice purposes. Standards and procedures governing ownership, use, management, and disposition are as follows:

1. **Title.** Title to equipment acquired under an award or subaward will vest upon acquisition in the recipient or subrecipient subject to the obligations and conditions set forth in 28 CFR Part 66.
2. **Use.**
 - a. A State shall use equipment acquired under an award by the State in accordance with State laws and procedures. The awarding agency encourages the States to follow the procedures set forth in this Guide.
 - b. Other government recipients and subrecipients shall use equipment in accordance with the following requirements:
 - (1) Equipment must be used by the recipient or subrecipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

- (2) The recipient or subrecipient shall also make equipment available for use on other projects or programs currently or previously supported by the Federal government, providing such use does not interfere with the work on the projects or programs for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered and treated as program income to the project, if appropriate.
- (3) Notwithstanding program income, the recipient or subrecipient shall not use equipment acquired with funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.
- (4) When acquiring replacement equipment, recipients or subrecipients may use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment subject to the written approval of the awarding agency.

3. **Management.**

- a. A State shall manage equipment acquired under an award by the State, in accordance with State laws and procedures.
- b. Other government recipient and subrecipient procedures for managing equipment (including replacement), whether acquired in whole or in part with project funds, will, at a minimum, meet the following requirements:
 - (1) Property records must be maintained which include:
 - (a) Description of the property;
 - (b) Serial number or other identification number;
 - (c) Source of the property;
 - (d) Identification of who holds the title;
 - (e) Acquisition date;
 - (f) Cost of the property;
 - (g) Percentage of Federal participation in the cost of the property;
 - (h) Location of property;
 - (i) Use and condition of the property; and
 - (j) Disposition data including the date of disposal and sale price.

- (2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
- (3) A control system must exist to ensure adequate safeguards to prevent:
 - (a) Loss;
 - (b) Damage; or
 - (c) Theft of the property.

Any loss, damage, or theft shall be investigated by the recipient and subrecipient, as appropriate.

- (4) Adequate maintenance procedures must exist to keep the property in good condition.
- (5) If the recipient or subrecipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

4. **Disposition.**

- a. A State recipient shall dispose of its equipment acquired under the award in accordance with State laws and procedures.
- b. Other government recipients and subrecipients shall dispose of the equipment when original or replacement equipment acquired under the award or subaward is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency. Disposition of the equipment will be made as follows:
 - (1) Items with a current per unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
 - (2) Items with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment. Seller is also eligible for sale costs.
 - (3) In cases where a recipient or subrecipient fails to take appropriate disposition actions, the awarding agency may direct the recipient or subrecipient to take other disposition actions.

Equipment and Non-Expendable Personal Property Acquired with Discretionary Funds .

1. **Title.** Title to equipment acquired with Federal funds will vest upon acquisition in the recipient subject to the obligations and conditions set forth in 28 CFR Part 66 for State and local units of government and in 28 CFR Part 70 for other recipients.
2. **Use.** A State shall use equipment acquired under an award by the State in accordance with State laws and procedures.

Local government recipients shall use equipment in accordance with the requirements contained in the section "EQUIPMENT ACQUIRED WITH JUVENILE JUSTICE ACT FORMULA AND VICTIMS OF CRIME ACT ASSISTANCE (FORMULA) FUNDS (OJJDP & OVC)."

Other recipients shall use non-expendable personal property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the recipients shall use the non-expendable personal property in connection with its other Federally-sponsored activities in the following order of priority:

- a. Other projects of the awarding agency needing the property.
 - b. Grants of a State needing the property.
 - c. Projects of other Federal agencies needing the property.
3. **Management.**
 - a. A State shall manage its equipment acquired under an award in accordance with State laws and procedures.
 - b. Local government recipients and subrecipients shall manage equipment in accordance with requirements stated in the section "EQUIPMENT ACQUIRED WITH JUVENILE JUSTICE ACT FORMULA AND VICTIMS OF CRIME ACT ASSISTANCE (FORMULA) FUNDS (OJJDP & OVC)."
 - c. Other recipients' property management standards for non-expendable personal property shall include the following procedural requirements:
 - (1) Property records shall be maintained accurately and include:
 - (a) A description of the property;
 - (b) Manufacturer's serial number, model number, Federal stock number, or other identification number;

- (c) Source of the property, including the award number;
 - (d) Whether title vests in the recipient or the Federal government;
 - (e) Acquisition date (or date received, if the property was furnished by the Federal government) and cost;
 - (f) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired (not applicable to property furnished by the Federal government);
 - (g) Location, use, and condition of the property at the date the information was reported;
 - (h) Unit acquisition cost; and
 - (i) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the Federal-sponsoring agency for its share.
- (2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.
 - (3) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of non-expendable property shall be investigated and fully documented. If the property was owned by the Federal government, the recipient shall promptly notify the Federal agency.
 - (4) Adequate maintenance procedures shall be implemented to keep the property in good condition.
 - (5) Where the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

4. **Disposition.**

- a. A State shall dispose of its equipment acquired under the award by the State in accordance with State laws and procedures.

- b. Local government recipients and subrecipients shall follow the disposition requirements in the section "EQUIPMENT ACQUIRED WITH JUVENILE JUSTICE ACT FORMULA AND VICTIMS OF CRIME ACT ASSISTANCE (FORMULA) FUNDS (BJA & OVC)."
- c. Other recipients shall adhere to the following disposition requirements for non-expendable personal property:
 - (1) A recipient may use non-expendable personal property with a fair market value of less than \$5,000 for other activities without reimbursement to the Federal government or sell the property and retain the proceeds.
 - (2) A recipient may retain non-expendable personal property with a fair market value of \$5,000 or more for other uses provided that compensation is made to the awarding agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the recipient has no need for the property and the property has further use value, the recipient shall request disposition instructions from the awarding agency. The awarding agency shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The awarding agency shall issue instructions to the recipient no later than 120 days after the recipient's request, and the following procedures shall govern:
 - (a) If so instructed, or if disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the property and reimburse the awarding agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the grant. However, the recipient shall be permitted to deduct and retain from the Federal share \$100 or 10 percent of the proceeds, whichever is greater, for the recipient's selling and handling expenses.
 - (b) If the recipient is instructed to ship the property to other agencies needing the property, the recipient shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the recipient's participation in the cost of the project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.
 - (c) If the recipient is instructed to otherwise dispose of the property, the recipient shall be reimbursed by the awarding agency for such costs incurred in its disposition.

5. **Transfer of Title.** The awarding agency may reserve the right to transfer title to property acquired with Federal funds that have a fair market value of \$5,000 or more to the Federal government or a third party named by the awarding agency, when such a third party is otherwise eligible under existing statutes. Such transfers are subject to the following standards:
 - a. The property must be identified in the award or otherwise made known to the recipient in writing.
 - b. The awarding agency shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the awarding agency fails to issue disposition instructions within the 120 calendar day period, the recipient shall follow standards set in 28 CFR Parts 66 and 70.
 - c. When title to property is transferred, the recipient shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

Real Property Acquired with Formula Funds.

1. **Land Acquisition.** Block/formula funds CANNOT be used for land acquisition.
2. **Title.** Subject to the obligations and conditions set forth in the award, title to real property acquired under an award or subaward vests, upon acquisition, in the recipient or subrecipient.
3. **Use of Real Property.** The recipient and its subrecipients may use real property acquired, in whole or in part, with Federal funds for the authorized purposes of the original grant or subaward as long as needed for that purpose. The subrecipients shall maintain an inventory report which identifies real property acquired, in whole or in part, with block or formula funds. The recipient or subrecipient shall not dispose of or encumber its title or other interests.
4. **Disposition.** The subrecipient shall obtain approval for the use of the real property in other projects when the subrecipient determines that the real property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federally-sponsored projects or programs that have purposes consistent with those authorized for support by the State. When the real property is no longer needed as provided above, the subrecipient shall request disposition instructions from the State. The State shall exercise one of the following:
 - a. Direct the real property to be transferred to another subrecipient or a criminal justice activity needing the property, provided that use of such real property is consistent with those objectives authorized for support by the State.
 - b. Return all real property furnished or purchased wholly with Federal funds to the control of the awarding agency. In the case of real property purchased in part with Federal funds, the subrecipient may be permitted to retain title upon compensating the awarding agency for its fair share of the property. The Federal share of the property shall be computed by applying the percentage of the Federal participation in the total cost of the project for which the property

was acquired to the current fair market value of the property. In those instances where the subrecipient does not wish to purchase real property originally purchased in part with Federal funds, disposition instructions shall be obtained from the awarding agency.

Real Property Acquired with Discretionary Funds.

1. **Land Acquisition.** Discretionary funds CANNOT be used for land acquisition.
2. **Title.** Subject to obligations and conditions set forth in 28 CFR Parts 66 and 70, title to real property acquired under an award vests upon acquisition with the recipient.
3. **Use of Property.** The use of property by the recipient is subject to the same principles and standards as outlined for property acquired with formula funds.
4. **Disposition.** The recipient shall follow the same principles and standards as outlined for subrecipients except the recipient shall request disposition instructions from the Federal agency not the State.
5. **Transfer of Title.** With regard to the transfer of title to the awarding agency or to a third-party designated/approved by the awarding agency, the recipient or subrecipient shall be paid an amount calculated by applying the recipient or subrecipients percentage of participation in the purchase of the real property to the current fair market value of the property.

Federal Equipment. In the event a recipient or subrecipient is provided Federally-owned equipment, the following requirements apply:

1. **Title** remains vested in the Federal government.
2. **Recipients or subrecipients shall manage the equipment** in accordance with the awarding agency's rules and procedures and submit an annual inventory listing.
3. **When the equipment is no longer needed**, the recipient or subrecipient shall request disposition instructions from the awarding agency.

Replacement of Property (Equipment and Non-expendable Personal Property). When an item of property is no longer efficient or serviceable but the recipient/subrecipient continues to need the property in its criminal justice system, the recipient/subrecipient may replace the property through trade-in or sale and subsequent purchase of new property, provided the following conditions are met:

1. **Similar Function.** Replacement property must serve the same function as the original property and must be of the same nature or character, although not necessarily of the same grade or quality.
2. **Credits.** Value credited for the property, if the property is traded in, must be related to its fair market value.
3. **Time.** Purchase of replacement property must take place soon enough after the sale of the property to show that the sale and the purchase are related.

4. **Compensation.** When acquiring replacement property, the recipient/subrecipient may use the property to be replaced as a trade-in or the proceeds from the sale of the property to offset the cost of the new property.
5. **Prior Approval.** State subrecipients shall obtain the written permission of the State to use the provisions of this section prior to entering into negotiation for the replacement or trade-in of property.

Retention of Property Records. Records for equipment, non-expendable personal property, and real property shall be retained for a period of three years from the date of the disposition or replacement or transfer at the discretion of the awarding agency. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

Supplies.

1. **Title.** Title to supplies acquired under an award or subaward vests, upon acquisition, in the recipient or subrecipient respectively.
2. **Disposition.** If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the funding support and the supplies are not needed for any other Federally-sponsored programs or projects, the recipient or subrecipient shall compensate the awarding agency for its share. The amount of compensation shall be computed in the same manner as for non-expendable personal property or equipment.

Copyrights. The awarding agency reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes:

1. The copyright in any work developed under an award or subaward; and
2. Any rights of copyright to which a recipient or subrecipient purchases ownership with support.

Patents, Patent Rights, and Inventions. If any program produces patentable items, patent rights, processes, or inventions, in the course of work sponsored by the Federal award or subaward funds, such facts must be promptly and fully reported to the awarding agency. Unless there is a prior agreement between the recipient and the awarding agency on disposition of such items, the awarding agency shall determine whether protection on the invention or discovery shall be sought. The awarding agency will also determine how their rights in the invention or discovery (including rights under any patents issued thereon) shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, dated August 23, 1971, and statement of Government Patent Policy, as printed in 36 FR 16839).

Government-wide regulations have been issued at 37 CFR Part 401 by the Department of Commerce.

NOTES

Chapter 7: Allowable Costs

Allowable costs are those costs identified in the circulars and in the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements. Discussion of the certain elements of cost follows.

Highlights of Chapter:

- ◆ Compensation for Personal Services
- ◆ Conferences and Workshops
- ◆ Food and Beverages
- ◆ Travel
- ◆ Space
- ◆ Printing
- ◆ Publication
- ◆ Duplication
- ◆ Production
- ◆ Other Allowable Costs

Compensation for Personal Services.

1. **Two or More Federal Grant Programs.** Where salaries apply to execution of two or more grant programs or cost activities, proration of costs to each activity must be made based on time and/or effort reports. In cases where two or more grants constitute one identified activity or program, salary charges to one grant may be allowable after written permission is obtained from the awarding agency. Salary supplements including severance provisions and other benefits with non-Federal funds are prohibited without approval of the awarding agency. (Refer to OMB Circular A-87, Attachment B, OMB Circular A-122, or OMB Circular A-21.)
2. **Extra Work.**
 - a. A State or local government employee may be employed by a recipient or sub-recipient, in addition to his full-time job, provided the work is performed on the employee's own time and:
 - (1) The compensation is reasonable and consistent with that paid for similar work in other activities of State or local government;
 - (2) The employment arrangement is approved and proper under State or local regulations (no conflict of interest); and
 - (3) The time and/or services provided is supported by adequate documentation.

- b. To avoid problems arising from overtime, holiday pay, night differential, or related payroll regulations, such employment arrangements should normally be made by the recipient or subrecipient directly with the individual, unless there has been a transfer or loan of the employee for which his regular and overtime services provided are to be charged to or reimbursed by the recipient or subrecipient. Overtime and night differential payments are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable.

Note: The overtime premium should be prorated among the jobs and not charged exclusively to the awarding agency funds.

- c. Payment of these premiums will be for work performed by award or subaward employees in excess of the established work week (usually 40 hours). Executives, such as the President or Executive Director of an organization, may not be reimbursed for overtime or compensatory time under grants and cooperative agreements. Payment of continued overtime is subject to periodic review by the awarding agency.

3. **Award Purposes and Dual Compensation.** Charges of the time of State and local government employees assigned to assistance programs may be reimbursed to the extent they are directly and exclusively related to the award or proper for inclusion in the indirect cost base.

Note: In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1 p.m. to 5 p.m.), even though such work may benefit both activities.

Conferences and Workshops. Allowable costs may include:

- ! Conference or meeting arrangements;
- ! Publicity;
- ! Registration;
- ! Salaries of personnel;
- ! Rental of staff offices ;
- ! Conference space;
- ! Recording or translation services;
- ! Postage;
- ! Telephone charges;
- ! Travel expenses (including transportation and subsistence for speakers or participants); and
- ! Lodging (every effort should be made by the conference planners to negotiate Federal room rates with hotel facilities).

Food and Beverages. Food and/or beverage expenses provided by recipients are allowable subject to conditions stated below:

- ! Food and/or beverages were provided to participants at training sessions, meetings, or conferences that are allowable activities under the particular OJP program guidelines.
- ! Expenses incurred for food and/or beverages and provided at training sessions, meetings, or conferences must satisfy the following three tests:
 - S The cost of the food and/or beverages provided are considered to be reasonable.
 - S The food and/or beverages provided are subject of a work-related event.
 - S The food and/or beverages provided are not directly related to amusement and/or social events.
- ! Recipient is following the applicable definitions for food and beverages contained in the Financial Guide glossary.

Each recipient that desires to purchase food and/or beverages under a grant or contract under a grant should follow the food and beverage policy guidelines. Guidance should be applied within the context of each individual situation. While food and/or beverages are allowable, recipients are not required to provide them at training sessions, meetings, or conferences.

NOTE: The presence of Federal employees does not prevent the recipient from providing food and beverages under its three-part test.

To determine whether costs associated with food and/or beverages are allowable, the recipient or sub-recipient providing the food and/or beverages must consider:

1. to whom the food and/or beverages will be provided;
2. under what conditions the food and/or beverages will be provided; and
3. that the appropriate test(s) has been satisfied. For example:
 - a. A recipient sponsored event is held at the L'Enfant Plaza Hotel to discuss policy topics. The event includes a working lunch with a speaker and breaks at which food and beverages are offered. Federal agency employees, as well as employees of the recipient and non-agency persons are invited.

This scenario meets all components of the test; therefore, food and beverages **may** be provided with grant funds.

- b. A recipient offers a "hospitality suite" the night before its conference at the L'Enfant Plaza Hotel. Federal agency employees, as well as employees of the recipient and non-agency persons are invited.

This scenario fails the test because food and beverages must not be directly related to amusement or social events. Although the conference is work-related, the hospitality suite is purely a "social event." Therefore, food and beverages **may not** be provided with grant funds.

NOTE: Food and beverage costs for events within events may be unallowable. For example:
“Unallowable” - Event A includes 200 participants and food and beverages are requested for event B, which directly relates to event A, but includes only a small percentage of the 200 participants from Event A. Thus, food and beverage costs at event B are unallowable since attendance at the event is not mandatory for all participants from Events A and B.
“Allowable” - If the purpose of event B is to discuss or work on topics unrelated to event A, food and beverage costs may be allowable for event B.

Federal funds are governed by the "cost principles" of the Office of Management and Budget (OMB). Cost principles are the Federal rules that determine the extent of reimbursement of grant expenses. Generally, allowable costs include costs that are reasonable and necessary for the successful completion of the project. **Unallowable costs include, but are not limited to costs directly related to entertainment or to the purchase of alcohol.** The cost principles are outlined in Chapter 2 of this Guide.

NOTE: Anyone under per diem allowances or reimbursements who is attending any of these events at which food and beverages are provided must deduct the cost of any meals (i.e. lunch, dinner) provided from his/her per diem allowances.

The top ten tips for provisions of food and beverages under OJP grants are as follows:

1. Provide a speaker at a lunch or dinner
2. Support the event with a formal agenda
3. Event must be mandatory for all participants
4. Do not pay for bar charges using registration fees, i.e. program income
5. Do not make alcohol available at the event
6. Provide appropriate break foods
7. Surrounding events must provide several hours of substantive information
8. Do not end events with a meal and/or break
9. Costs must be reasonable
10. As a participant, reduce per diem appropriately

NOTE: Exhibits are not deemed substantive information.

Travel. Travel costs are allowable as expenses by employees who are in travel status on official business. These costs must be in accordance with Federal or an organizationally- approved travel policy.

1. **Domestic Travel.** Recipients may follow their own established travel rates, however, the Office of the Comptroller reserves the right to determine reasonableness of those rates. If a recipient does not have a written travel policy, the recipient must abide by the Federal travel policy. Subrecipients of States must follow their State's established travel policy. If a State does not have an established travel policy, the subrecipient must abide by the Federal travel rates. The current travel policy and per diem rate information is available at the GSA website. This website is:

<http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/travel.shtml>

2. **Foreign Travel** includes any travel outside of Canada and the United States and its territories and possessions. However, for a recipient or subrecipient located outside Canada and the United States and its territories and possessions, foreign travel means travel outside that country. Prior approval is required for all foreign travel (see page 101).

Space. The cost of space in privately- or publicly-owned buildings used for the benefit of the program is allowable subject to the conditions stated below:

- ! The total cost of space may not exceed the rental cost of comparable space and facilities in a privately-owned building in the same locality.
- ! The cost of space procured for program usage may not be charged to the program for periods of non-occupancy, without authorization of the Federal awarding agency.

1. **Rental Cost.** The rental cost of space in a privately-owned building is allowable. Rent cannot be paid if the building is owned by the grantee or if the grantee has a substantial financial interest in the property. However, the cost of ownership is an allowable expense. Similar costs for a publicly-owned building are allowable where "rental rate" systems, or equivalent systems that adequately reflect actual costs, are employed. Such charges must be determined on the basis of actual cost (including depreciation based on the useful life of the building, operation and maintenance, and other allowable costs). Where these costs are included in rental charges, they may not be charged elsewhere. No costs will be included for purchases or construction that were originally financed by the Federal government.
2. **Maintenance and Operation.** The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations, and the like are allowable to the extent they are not otherwise included in rental or other charges for space.

3. **Rearrangements and Alterations.** Costs incurred for rearrangement and alteration of facilities required specifically for the award program or those that materially increase the value or useful life of the facility are allowable when specifically approved by the awarding agency.
4. **Depreciation and Use Allowances on Publicly-Owned Buildings.** Depreciation or a use allowance on idle or excess facilities is NOT ALLOWABLE, except when specifically authorized by the Federal awarding agency.
5. **Occupancy of Space Under Rental-Purchase or a Lease with Option-to-Purchase Agreement.** The cost of space procured under such arrangements is allowable when specifically approved by the awarding agency.

This type of arrangement may require application of special matching share requirements under construction programs.

Printing shall be construed to include and apply to the process of composition, plate-making, presswork, binding, and microfilm; the equipment, as classified in the tables in Title II of the Government Printing and Binding Regulations, published by the Joint Committee on Printing, Congress of the United States, and as used in such processes; or the end items produced by such processes and equipment. Pursuant to the Government Printing and Binding Regulations, no project may be awarded primarily or substantially for the purpose of having material printed for the awarding agency. The Government Printing and Binding Regulations allow:

1. **Issuance.** The issuance of a project for the support of non-government publications, provided such projects were issued pursuant to an authorization of law and were not made primarily or substantially for the purpose of having material printed for the awarding agency.
2. **Publications by Recipients/Subrecipients.** The publication of findings by recipients/subrecipients within the terms of their project provided that such publication is not primarily or substantially for the purpose of having such findings printed for the awarding agency.

Publication shall be construed as the initiation of the procurement of writing, editing, preparation of related illustration material, including videos, from recipients/subrecipients, or the internal printing requirements of the recipient/subrecipient necessary for compliance with the terms of the project. However, individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty a single copy of any such article for their own use.

Project directors are encouraged to make the results and accomplishments of their activities available to the public. A recipient/subrecipient who publicizes project activities and results shall adhere to the following:

1. Responsibility for the direction of the project activity should not be ascribed to the awarding agency. The publication shall include the following statement: "The opinions, findings, and conclusions or recommendations expressed in this publication/pro-

gram/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice." The receipt of awarding agency funding does not constitute official recognition or endorsement of any project. A separate application for Official Recognition may be filed with the awarding agency.

2. All materials publicizing or resulting from award activities shall contain an acknowledgement of the awarding agency assistance. An acknowledgement of support shall be made through use of the following or comparable footnote: "This project was supported by Award No. _____ awarded by the _____ (name of specific office/bureau), Office of Justice Programs." If the awarding agency is not OJP, language should reflect the proper agency name. The Americans with Disabilities Act (ADA) technical assistance grant program and the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) grant program are awarded through the Civil Rights Division, DOJ.
3. A recipient/subrecipient is expected to publish or otherwise make widely available to the public, as requested by the awarding agency, the results of work conducted or produced under an award.
4. All publication and distribution agreements with a publisher shall include provisions giving the Federal government a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for Federal government purposes. (See Copyrights section of Chapter 6 of this Guide.) The agreements with a publisher should contain information on the awarding agency requirements.
5. Unless otherwise specified in the award, the recipient/subrecipient may copyright any books, publications, films, or other copyrightable material developed or purchased as a result of award activities. Copyrighted material shall be subject to the same provisions of the Federal government.
6. The recipient/subrecipient shall be permitted to display the official awarding agency LOGO in connection with the activities supported by the award. In this respect, the LOGO shall appear in a separate space, apart from any other symbol or credit. The words "Funded/Funded in part by OJP" shall be printed as a legend, either below or beside the LOGO, each time it is displayed. Use of the LOGO must be approved by the awarding agency.
7. The recipient/subrecipient shall submit a publication and distribution plan to the awarding agency before materials developed under an award are commercially published or distributed. The plan shall include a description of the materials, the rationale for commercial publication and distribution, the criteria to be used in the selection of a publisher, and, to assure reasonable competition, the identification of firms that will be approached. Prior agency approval of this plan is required for publishing project activities and results when Federal funds are used to pay for the publication.

Duplication. A requirement for a recipient/subrecipient to duplicate less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages, of its findings for the awarding agency will not be deemed to be printing primarily or substantially for the awarding agency (e.g., 5,000 copies of five pages, etc.). For the purpose of this paragraph, such pages may not exceed a maximum image size of 10 3/4" by 14 1/4".

Production. A requirement for a recipient/subrecipient to produce less than 250 duplicates from original microfilm will not be deemed to be printing primarily or substantially for the awarding agency. Microfilm is defined as one roll of microfilm 100 feet in length or one microfiche.

Other Allowable Costs.

1. **Software development** is an allowable cost and may be expensed in the period incurred with no dollar limitation.
2. **Depreciation** is an allowable cost and an accelerated method should not be used.
3. **Post-employment benefits** are allowable costs if funded in accordance with actuarial requirements. Funds must be paid within six months of recordation.
4. **Technology awards** are allowable costs and drawdown of funds may be prohibited until the State Information Technology Point of Contact person has received written notification of the project and a Grant Adjustment Notice (GAN) has been issued by the awarding agency.

NOTES

Chapter 8: Confidential Funds

Highlights of Chapter:

- ◆ Approval Authority
- ◆ Confidential Funds Certification
- ◆ Written Procedures
- ◆ Informant Files
- ◆ RISS Program
- ◆ Accounting and Control Procedures

These provisions apply to all awarding agency professional personnel, recipients, and subrecipients involved in the administration of grants containing confidential funds. Confidential funds are those monies allocated to:

Purchase of Services (P/S). This category includes travel or transportation of a non-Federal officer or an informant; the lease of an apartment, business front, luxury-type automobiles, aircraft or boat, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment, and similar expenses (including buy money and flash rolls, etc.) for undercover purposes, within reasonable limits.

Purchase of Evidence (P/E). This category is for the purchase of evidence and/or contraband, such as narcotics and dangerous drugs, firearms, stolen property, counterfeit tax stamps, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.

Purchase of Specific Information (P/I). This category includes the payment of monies to an informant for specific information. All other informant expenses would be classified under P/S and charged accordingly.

These funds should only be allocated when:

1. The particular merits of a program/investigation warrant the expenditure of these funds.
2. Requesting agencies are unable to obtain these funds from other sources.

Confidential funds are subject to prior approval. Such approval will be based on a finding that they are a reasonable and necessary element of project operations. In this regard, the approving agency must also ensure that the controls over disbursement of confidential funds are adequate to safeguard against the misuse of such funds.

Approval Authority. The **APPROVING AUTHORITY** for the **ALLOCATION** of confidential funds is:

1. The awarding agency for block/formula grantees and categorical grantees (including Regional Information Sharing System (RISS) program projects).

2. The recipient agency for block/formula subrecipients.

Confidential Funds Certification. A signed certification that the project director has read, understands, and agrees to abide by these provisions is required from all projects that are involved with confidential funds from either Federal or matching funds. The signed certification must be submitted at the time of grant application.

SAMPLE CERTIFICATION CONFIDENTIAL FUNDS CERTIFICATION

This is to certify that I have read, understand, and agree to abide by all of the conditions for confidential funds as set forth in the effective edition of OJP's Financial Guide.

Date: _____

Signature: _____

Project Director

Grant No. _____

Written Procedures. Each project and RISS member agency authorized to disburse confidential funds must develop and follow internal procedures which incorporate the following elements. Deviations from these elements must receive prior approval of the awarding agency.

1. **Imprest Fund.** The funds authorized will be established in an imprest fund which is controlled by a bonded cashier.
2. **Advance of Funds.** The supervision of the unit to which the imprest fund is assigned must authorize all advances of funds for the purchase of information. Such authorization must specify the information to be received, the amount of expenditures, and the assumed name of informant.
3. **Informant Files.** Information files are confidential files of the true names, assumed names, and signature of all informants to whom payments of confidential expenditures have been made. To the extent possible, pictures and/or fingerprints of the information payee should also be maintained. In the RISS program, the informant files are to be maintained at the member agencies only. Project Headquarters may maintain case files.
4. **Cash Receipts.**
 - a. The cashier shall receive from the agent or officer authorized to make a confidential payment a receipt for cash advanced to him/her for such purposes.
 - b. The agent or officer shall receive from the information payee a receipt for cash paid to him/her.

SAMPLE RECEIPT OF

INFORMANT PAYEE RECEIPT

For and in consideration of the sale and delivery to the State, County, or City of _____
_____ of information or evidence identified as follows: _____

_____. I hereby acknowledge receipt of \$ (numerical and word amount entered by payee)
paid to me by the State, County, or City of _____.

Date: _____ Payee: _____
(Signature)

Case Agent/Officer: _____
(Signature)

Witness: _____
(Signature)

Case or Reference: _____

5. **Receipt for Purchase of Information.** An information payee receipt shall identify the exact amount paid to and received by the information payee on the date executed. Cumulative or anticipatory receipts are not permitted. Once the receipt has been completed, **no alteration is allowed**. The agent shall prepare an information payee receipt containing the following information:
- a. The jurisdiction initiating the payment;
 - b. A description of the information/evidence received;
 - c. The amount of payment, both in numerical and word form;
 - d. The date on which the payment was made;
 - e. The signature of the informant payee;
 - f. The signature of the case agent or officer making payment;
 - g. The signature of at least one other officer witnessing the payment; and
 - h. The signature of the first line supervisor authorizing and certifying the payment.
6. **Review and Certification.** The signed receipt from the informant payee with a memorandum detailing the information received shall be forwarded to the agent or officer in charge. The agent or officer in charge shall compare the signatures. He/she shall also evaluate the information received in relation to the expense incurred and his/her evaluation remarks in the report of the agency or officer who made the expenditure from the imprest fund. The certification will be witnessed by the agent or officer in charge on the basis of the report and information payee's receipt.

7. **Reporting of Funds.** Each project shall prepare a reconciliation report on the imprest fund on a quarterly basis. Information to be included in the reconciliation report will be the assumed name of the informant given and to what extent this information contributed to the investigation. Grantees shall retain the reconciliation report in their files and have available for review. Subrecipients shall retain the reconciliation report in their files and have available for review unless the State agency requests that the report be submitted to them on a quarterly basis.
8. **Record and Audit Provisions.** Each project and member agency must maintain specific records of each confidential fund transaction. At a minimum, these records must consist of all documentation concerning the request for funds, processing (should include the review and approval/disapproval), modifications, closure or impact material, and receipts and/or other documentation necessary to justify and track all expenditures. Refer to the documentation under Information Files for a list of documents which should be in the informant files. In projects where grant funds are used for confidential expenditures, it will be understood that all of the above records, except the true name of the informant, are subject to the record and audit provisions of awarding agency legislation.

Informant Files.

1. **Security.** A separate file should be established for each informant for accounting purposes. Informant files should be kept in a separate and secure storage facility, segregated from any other files, and under the exclusive control of the office head or an employee designated by him. The facility should be locked at all times when unattended. Access to these files should be limited to those employees who have a necessary legitimate need. An informant file should not leave the immediate area, except for review by a management official or the handling agent, and should be returned prior to the close of business hours. Sign-out logs should be kept indicating the date, information number, time in and out, and the signature of the person reviewing the file.
2. **Documentation.** Each file should include the following information:
 - a. Informant Payment Record, kept on top of the file. This record provides a summary of informant payments.
 - b. Informant Establishment Record, including complete identifying and locating data, plus any other documents connected with the informant's establishment.
 - c. Current photograph and fingerprint card (or FBI/State Criminal Identification Number).
 - d. Agreement With Cooperating Individual.
 - e. Receipt for Purchase of Information.
 - f. Copies of all debriefing reports (except for the Headquarters case file).
 - g. Copies of case initiation reports bearing on the utilization of the informant (except for the Headquarters case file).

- h. Copies of statements signed by the informant (unsigned copies will be placed in appropriate investigative files).
- i. Any administrative correspondence pertaining to the informant, including documentation of any representations made on his behalf or any other non-monetary considerations furnished.
- j. Any deactivation report or declaration of an unsatisfactory informant.

RISS Program.

1. Processing Procedures.

- a. **Authorization of Disbursement.** The project policy board establishes the maximum level the project director may authorize in disbursements to member agencies. The project director, or his designee, may authorize payment of funds to member agencies and their officers for the purchase of information and evidence up to this maximum level. The project director must refer all requests for amounts in excess of the maximum level to the project policy board for review and approval.
- b. **Request of Funds.** Any member agency requesting funds from the project will do so in writing. The request must contain the amount needed, the purpose of the funds, and a statement that the funds requested are to be used in furtherance of the project's objectives. Additionally, the agency must provide a statement agreeing to establish control, accounting, and reporting procedures which closely resemble the procedures outlined in this chapter.
- c. **Processing the Request.** The project director, or his designee when appropriate, will approve or disapprove the request. If approved, the request will be forwarded to the project cashier who will record the request and transmit the monies, along with a receipt form, to the member agency. Upon receipt of the monies, the member agency will immediately sign and return the receipt form to the cashier.
- d. **Records.** For all transactions involving the purchase of information, each project must maintain on file the assumed name and signature of all informants to whom member agencies make payments from project funds.
- e. **Processing the Informant Payee Receipt.** The original signed informant payee receipt, with a summary of the information received, will be forwarded to the project by the member agency. The project will then authenticate the receipt by comparing the signature of the informant payee on the receipt with the signature maintained by the project in a confidential file. If discrepancies exist, the project director, or his designee, will take immediate steps to notify the member agency and ascertain the reason(s) for the discrepancies. The member agency must forward written justification to address the discrepancies of the project. If satisfactory, the justification will be attached to the informant payee receipt.

2. **Informant Management and Utilization.** All persons who will be utilized as informants should be established as such. The specific procedures required in establishing a person as an informant may vary from jurisdiction to jurisdiction but, at a minimum, should include the following:
- a. Assignment of an informant code name to protect the informant's identity.
 - b. An informant code book controlled by the office head or his/her designee containing:
 - (1) Informant's code name;
 - (2) Type of informant (i.e., informant, defendant/informant, restricted-use/informant);
 - (3) Informant's true name;
 - (4) Name of establishing law enforcement officer;
 - (5) Date the establishment is approved; and
 - (6) Date of deactivation.
 - c. Establish each informant file in accordance with Documentation, Item 2, under Informant Files.
 - d. For each informant in an active status, the agent should review the informant file on a quarterly basis to assure it contains all relevant and current information. Where a MATERIAL fact that was earlier reported on the Establishment Record is no longer correct (e.g., a change in criminal status, means of locating him/her, etc.), a supplemental establishing report should be submitted with the correct entry.
 - e. All informants being established should be checked in all available criminal indices. If a verified FBI number is available, request a copy of the criminal records from the FBI. Where a verified FBI number is not available, the informant should be finger printed with a copy sent to the FBI and appropriate State authorities for analysis. The informant may be utilized on a provisional basis while awaiting a response from the FBI.

3. **Payment to Informants.**

- a. Any person who is to receive payments charged against PE/PI funds should be established as an informant. This includes persons who may otherwise be categorized as sources of information or informants under the control of another agency. The amount of payment should be commensurate with the value of services and/or information provided and should be based on the following factors:
 - (1) The level of the targeted individual, organization, or operation;
 - (2) The amount of the actual or potential seizure; and
 - (3) The significance of the contribution made by the informant to the desired objectives.
- b. There are various circumstances in which payments to informants may be made:
 - (1) Payments for Information and/or Active Participation When an informant assists in developing an investigation, either through supplying information or actively participating in it, he/she may be paid for his/her service either in a lump sum or in staggered payments. Payments for information leading to a seizure, with no defendants, should be held to a minimum.
 - (2) Payment for Informant Protection When informant needs protection, law enforcement agencies may absorb the expenses of relocation. These expenses may include travel for the informant and his/her immediate family, movement and/or storage of household goods, and living expenses at the new location for a specific period of time (not to exceed six months). Payments for these expenses may be either lump sum or as they occur and should not exceed the amounts authorized law enforcement employees for these activities.
 - (3) Payments to Informants of Another Agency To use or pay another agency's informant, he/she should be established as an informant. These payments should not be a duplication of a payment from another agency; however, sharing a payment is acceptable.
- c. Documentation of payments to informants is critical and should be accomplished on a receipt for purchase of information. Payment should be made and witnessed by two law enforcement officers and authorized payment amounts should be established and reviewed by at least the first line supervisory level. In unusual circumstances, a non-officer employee or an officer of another law enforcement agency may serve as a witness. In all instances, the original signed receipt must be submitted to the project director for review and recordkeeping.

Accounting and Control Procedures. Special accounting and control procedures should govern the use and handling of confidential expenditures, as described below:

1. It is important that expenditures which conceptually should be charged to PE/PI/PS are in fact so charged. It is only in this manner that these funds may be properly managed at all levels and accurate forecasts of projected needs be made.
2. Each law enforcement entity should apportion its PE/PI/PS allowance throughout its jurisdiction and delegate authority to approve PE/PI/PS expenditures to those offices, as it deems appropriate.
3. Headquarters management should establish guidelines authorizing offices to spend up to a predetermined limit of their total allowance on any one investigation.
4. In exercising his/her authority to approve these expenditures, the supervisor should consider:
 - (1) The significance of the investigation;
 - (2) The need for this expenditure to further that investigation; and
 - (3) Anticipated expenditures in other investigations. Funds for PE/PI/PS expenditures should be advanced to the officer for a specific purpose. If they are not expended for that purpose, they should be returned to the cashier. They should not be used for another purpose without first returning them and repeating the authorization and advance process based on the new purpose.
5. Funds for a PE/PI/PS expenditure should be advanced to the officer on a suitable receipt form. A receipt for purchase of information or a voucher for purchase of evidence should be completed to document funds used in the purchase of evidence or funds paid or advanced to an informant.
6. For security purposes, there should be a 48-hour limit on the amount of time funds advanced for PE/PI/PS expenditure may be held outstanding. If it becomes apparent at any point within the 48-hour period that the expenditure will not materialize, then the funds should be returned to the advancing cashier as soon as possible. An extension to the 48-hour limit may be granted by the level of management that approved the advance. Factors to consider in granting such an extension are the amount of funds involved, the degree of security under which the funds are being held, how long an extension is required, and the significance of the expenditure. Such extensions are generally limited to 48 hours. Recipients should refer to the CFO Bulletin, dated September 30, 1998, for additional information on the extension rule. Recipients should consult with the program office prior to determining the final course of action. Beyond this, the funds should be returned and readvanced, if necessary. Regardless of circumstances, within 48 hours of the advance, the fund cashier should be presented with either the unexpended funds, an executed voucher for payment for information or purchase of evidence, or written notification by management that an extension has been granted.

7. Purchase of Services (P/S) expenditures, when not endangering the safety of the officer or informant, need to be supported by canceled tickets, receipts, lease agreements, etc. If not available, the office head, or his immediate subordinate, must certify that the expenditures were necessary and justify why supporting documents were not obtained.

NOTES

Chapter 9: Subawards

Subawards of Discretionary Project-Supported Effort. None of the principal activities of the project-supported effort shall be subawarded to another organization without specific prior approval by the awarding agency. Where the intention to make subawards is made known at the time of application, the approval may be considered given, if these activities are funded as proposed.

All such arrangements must be formalized in a contract or other written agreement between the parties involved. The contract or agreement must, at a minimum, include:

- ! Activities to be performed;
- ! Time schedule;
- ! Project policies;
- ! Flow-through requirements that are applicable to the subrecipient;
- ! Other policies and procedures to be followed;
- ! Dollar limitation of the agreement; and
- ! Cost principles to be used in determining allowable costs.

The contract or other written agreement must not affect the recipient's overall responsibility for the duration of the project and accountability to the Federal government.

NOTES

Highlights of Chapter:

- ◆ Procurement Standards
- ◆ Construction Requirements
- ◆ Professional Services

Procurement Standards.

1. **General.** A State shall follow the same policies and procedures it uses for procurement from its non-Federal funds. The State shall ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Subrecipients of States shall follow the procurement requirements imposed upon them by the States. Other recipients and subrecipients will follow OMB Circular A-110.
2. **Standards.** Recipients and subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal law and the standards identified in the Procurement Standards Sections of 28 CFR Parts 66 and 70. Any recipient/subrecipient whose procurement system has been certified by a Federal agency is not subject to prior approval requirements of 28 CFR Parts 66 and 70. The awarding agency's prior approval will only be required for areas beyond limits of the recipient/subrecipient certification.
3. **Adequate Competition.** All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. All sole source procurements in excess of \$100,000 must receive prior approval of the awarding agency. Interagency agreements between units of government are excluded from this provision.
4. **Non-competitive Practices.** The recipient/subrecipient shall be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFPs) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to the awarding agency.

Construction Requirements. The following policies and procedures relevant to construction are applicable to recipients/subrecipients. For the purpose of determining the appropriate fund ratios for construction projects, refer to the legislation which authorizes the construction.

1. **Under the Juvenile Justice Act (OJJDP),** construction means the acquisition, expansion, remodeling, and alteration of existing buildings and initial equipment of any such buildings or any combination of such activities (including architects' fees, but not the cost of acquisition of land for buildings).
2. **Under the Boot Camp Initiative,** construction means the erection, acquisition, renovation, repair, remodeling or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment.

Initial equipment includes heating, plumbing, air conditioning, and electrical services and similar fixed equipment items but does not include equipment not inherently a part of the facility, such as office furniture and equipment.

3. **Qualifications.** When considering the use of agency funds for construction, recipients/subrecipients must be cognizant of the following qualifications as to their use:
 - a. Costs which are incurred as an incidental and necessary part of a program and which are for renovation, remodeling, maintenance, and repair costs which do not constitute capital expenditures ARE generally allowable but may NOT exceed 10 percent of total project costs, unless that is the purpose of the project.
 - b. The total cost of a construction project includes the cost of site preparation, including demolition of existing structures. Any proceeds realized for site preparation activities (e.g., salvage value of structures demolished or the proceeds from sale of timber) shall be applied to the project (program income) and used to reduce the total cost of the construction project.
 - c. Payment of relocation costs shall be in accordance with the "Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970," 42 USC 4601, et seq.
4. **Special Fiscal Conditions for Construction Projects.** The awarding agency may accept the bonding policy and requirement of the subrecipients provided those policies adequately protect Federal dollars. When the awarding agency determines that their recipients of funds have policies in place that do not protect the Federal dollars the awarding agency shall require:
 - a. A bid guarantee equivalent to 5 percent of the bid price. The bid guarantee must consist of a firm commitment, such as bid bond, certified check, or negotiable instrument accompanying a bid, as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified after the forms are presented to him/her.
 - b. A performance bond on the part of the contractor for 100 percent of the contract price. "Performance bond" means a bond executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
 - c. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to ensure

payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

5. **Payment of Money Guaranteed by Federal Government.** Where the Federal government guarantees the payment of money borrowed by a recipient or subrecipient, the State may, at its discretion, require adequate bonding and insurance if the bonding or insurance requirements of the recipient or subrecipient are not deemed sufficient to adequately protect the interest of the Federal government. In those instances where construction of facility improvements for less than \$100,000 are contemplated and the subrecipient does not have any requirements for bid guarantees, performance bonds, and payments bonds, the State will impose State requirements on the subrecipients.
6. **Special Requirements for Juvenile Justice Act Construction Projects.**
 - a. Matching Requirement. Juvenile Justice Act funds awarded under Title II are limited to 50 percent of the cost of construction.
 - b. Source and Types of Funds. Match for construction programs and/or projects awarded to public agencies must consist of cash appropriated for the use of the recipient public agency by the awarding agency or contributed by a private agency or individual.
7. **Use of Funds.**
 - a. Construction programs and projects funded with the Juvenile Justice Act Title II funds are limited to construction of innovative community-based facilities for less than 20 people which, in the judgment of the Administrator, are necessary to carry out Part B purposes. Consequently, advance approval for all formula grant construction expenditures is required either in the approved plan or in subsequent correspondence. Facilities include both buildings and parts of sections of a building to be used for a particular program or project.
 - b. Erection of new buildings is not permitted with Juvenile Justice Act Title II funds.
 - c. Use of Juvenile Justice Act Title II funds for construction is equally applicable to programs or projects using Formula or Special Emphasis funds.

Professional Services. The customary fixed fee or profit allowance in cost-type contracts may not exceed 10 percent of the total estimated costs. This is applicable to contracts under grants.

NOTES

Chapter 11: Reporting Requirements

Highlights of Chapter:

- ◆ Financial Status Reports
- ◆ Program Reports

Financial Status Reports. These reports contain the actual expenditures and unliquidated obligations for the reporting period (calendar quarter) and cumulative for the award. OJP will not make new discretionary awards or payments on existing awards if the Financial Status Report (FSR), also known as the SF 269A, has not been filed within 45 days of the end of the most recently past quarterly reporting period. Grantees are encouraged to promptly submit such reports to avoid interruption of account services, e.g., if a request for a payment is received on June 1, then the preceding March 31 quarterly report must be on file at OJP, otherwise the payment request will be rejected. Even when there have been no outlays, a report containing zeros must be submitted to OC. Grantees are also required to maintain adequate documentation to provide an audit trail that substantiates the amounts reported on each SF 269A as submitted. The final report is due 120 days after the end date of the award.

1. **Electronic Reporting.** SF 269A reports may be submitted electronically when the recipient receives funding through LOCES.
2. **Penalty for Non-Compliance.** Future awards and fund drawdowns will be withheld if the Financial Status Report information is delinquent.
3. **Subawards.** In addition to reporting outlays and obligations, the State must report to the awarding agency the total Federal funds subawarded to both State agencies and local governments for the award being reported. This information is required on all block and formula awards and shall be reported in item 12 of the SF 269A or the Turnaround Document.

NOTE: Financial Status Reports are not applicable to State Criminal Alien Assistance Program (SCAAP) awards.

Program Reports. These reports are prepared in a narrative fashion in order to present information relevant to the performance of a plan, program, or project.

Penalty for Non-Compliance. Fund drawdowns may be withheld, at the request of the program office, if progress report information is delinquent or incomplete.

1. **Crime Control Act Block and Formula Funds -- Annual Performance Reports.** The States shall submit annually to the Bureau of Justice Assistance (BJA) a report which contains information as required by the legislation and the Director. This report must be submitted to BJA no later than December 31 for the activities undertaken and results achieved during the prior Federal fiscal year.

2. **Narrative Report for Juvenile Justice Act (JJA) Formula Funds.** The reporting requirement of Sections 223(2) and 223(a)(22) may be met through the submission of the Annual Plan and its updates. The Annual Plan may provide a performance report on the previously planned activities utilizing JJA formula funds. Instructions for the preparation of the SF 424 by the State are contained in 28 CFR Part 31 and in the JUVENILE JUSTICE AND DELINQUENCY PREVENTION AWARD APPLICATION KIT. These documents are available from OJJDP.
3. **Crime Victims Compensation Program.** A State receiving funds for a crime victims compensation program will be required to submit an annual performance report on the effect the Federal funds had on the program. The report will be due by November 30 each year and must report on activities for the prior Federal fiscal year (October 1 through September 30). Please see the Crime Victims Compensation Guidelines for specific reporting instructions.
4. **Crime Victims Assistance Program.** Crime victims assistance program reporting requirements are set forth in the Victims Assistance Award Program Guidelines. The State crime victims assistance agency receiving Federal victims assistance award funds is required to submit a performance report 90 days after the end of each award. The performance report will provide information on the effect the Federal funds have had on services to crime victims in the State and serve as a basis for information prepared for the Report to Congress on the Victims of Crime Act (VOCA).
5. **Categorical Assistance Progress Report, OJP Form 4587/1.** This report is prepared twice a year and is used to describe the performance of activities or the accomplishment of objectives as set forth in the approved award application.

Reporting Period. Progress reports must be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31 for the life of the award. The awarding agency may opt, by special condition to the award, to combine the first report into the subsequent reporting period. For example, if the begin date on the award is June 1, the awarding agency may opt to receive the first report 30 days after the December 31 reporting period.

6. **Special Reports.** In the review and approval process for plans and applications, it is sometimes necessary for the awarding agency to require that special or unique conditions be met in order to make an award. These special conditions will vary from award to award; however, acceptance of the award by the recipient/subrecipient constitutes an agreement that the conditions will be met either prior to the project or during the course of the award period. When this is the case, special reports on the meeting of these conditions are required for submittal to the awarding agency. They are prepared free form; however, the timing, content, and process for their submittal are detailed in the award package.

NOTE: Progress Report are not applicable to State Criminal Alien Assistance Program (SCAAP) awards.

NOTES

Chapter 12: Retention and Access Requirements for Records

Highlights of Chapter:

- ◆ Retention of Records
- ◆ Maintenance of Records
- ◆ Access to Records

Retention of Records. In accordance with the requirements set forth in 28 CFR Parts 66 and 70, all financial records, supporting documents, statistical records, and all other records pertinent to award shall be retained by each organization for AT LEAST THREE YEARS following the closure of their most recent audit report. Retention is required for purposes of Federal examination and audit. Records may be retained in an automated format. **State or local governments may impose record retention and maintenance requirements in addition to those prescribed.**

1. **Coverage.** The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records. Source documents include copies of all awards, applications, and required recipient financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the award, whether they are employed full-time or part-time. Time and effort reports are also required for consultants.
2. **Retention Period.** The three-year retention period starts from the date of the submission of the closure of the single audit report which covers the grant period. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

Maintenance of Records. Recipients of funds are expected to see that records of different Federal fiscal periods are separately identified and maintained so that information desired may be readily located. Recipients are also obligated to protect records adequately against fire or other damage. When records are stored away from the recipient's principal office, a written index of the location of records stored should be on hand and ready access should be assured.

Access to Records. The awarding agency includes the funding agency, the Federal agency, the DOJ Office of the Inspector General, the Comptroller General of the United States, or any of their authorized representatives, who shall have the right of access to any pertinent books, documents, papers, or other records of recipients which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts. The right of access must not be limited to the required retention period but shall last as long as the records are retained.

NOTES

Chapter 13: **Sanctions**

Sanctions. If a recipient materially fails to comply with the terms and conditions of an award, including civil rights requirements, whether stated in a Federal statute, regulation, assurance, application, or notice of award, the awarding agency may take one or more of the following actions, as appropriate in the circumstances. This authority also extends to the recipient agency.

1. Temporarily withhold cash payments pending correction of the deficiency by the recipient.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the current award.
4. Withhold further awards for the project or program.
5. Take other remedies that may be legally available.

NOTES

Chapter 14: **Termination for Convenience**

Termination for Convenience. The awarding agency may terminate any project, in whole or in part, when a recipient materially fails to comply with the terms and conditions of an award, which includes the unauthorized use of payment access codes by someone other than the grantee of record, or when the recipient and the awarding agency agree to do so. In the event that a project is terminated, the awarding agency will:

1. Notify the recipient in writing of its decision;
2. Specify the reason;
3. Afford the recipient/subrecipient a reasonable time to terminate project operations; and
4. Request the recipient seek support from other sources.

A project which is prematurely terminated will be subject to the same requirements regarding audit, recordkeeping, and submission of reports as a project which runs for the duration of the project period. Refer to 28 CFR Part 18 for appeal rights in event of termination.

NOTES

Chapter 15: Costs Requiring Prior Approval

Highlights of Chapter:

- ◆ Responsibility for Prior Approval
 - ◆ Procedures for Requesting Prior Approval
 - ◆ Costs Requiring Prior Approval
 - Automatic Data Processing Equipment
 - Criminal Justice Information and Communication Systems
 - Equipment and Other Capital Expenditures
 - Preagreement Costs
 - Proposal Costs
 - Consultant Rates
 - Interest Expense
 - Foreign Travel
- *****

Written approval is required for those costs specified in OMB Circulars A-21, A-87, and A-122 as "Costs Allowable With Approval of Awarding Agency" or costs which contain special limitations.

Where prior approval is required in this section, the awarding agency will be the approval authority for all discretionary recipients and for the State when it is the implementing recipient. Where prior approval authority for subrecipients is required, it will be vested in the State unless specified as being "RETAINED BY THE FEDERAL AWARDING AGENCY," as identified below. Subrecipient requests for awarding agency approval should be submitted through the State for a block or formula award.

The intention of the awarding agency is not to require approval of all changes within the listed cost categories, but only for those aspects or elements which specifically require prior approval. Also, the establishment of dollar expenditure levels in this chapter is intended to furnish blanket approval for modest project-related outlays. Costs above such levels may also receive approval upon submission of appropriate data and justification.

Responsibility for Prior Approval.

1. **Discretionary Awards.** The awarding agency reviews for approval all costs identified in this section when the recipient is the direct beneficiary of the goods or services to be purchased or supplied.
2. **Block/Formula Awards.** The State reviews for approval all costs identified in this section for subrecipients of block/formula funds where the State is the recipient but not the implementing agency.

Procedures for Requesting Prior Approval. Requests must be in writing and justified with an explanation to permit review of the allowability. They may be submitted:

1. Through inclusion in the budget or other components of an award or subaward application; or
2. As a separate written request to the appropriate authority as described above.

Costs Requiring Prior Approval.

1. **Automatic Data Processing (ADP) Equipment and Software.** Awards may include provisions for procurement of ADP equipment. The application will be written in a manner consistent with maximum open and free competition in the procurement of hardware and services. Brand names will not normally be specified.
 - a. Digital, analog, or hybrid computer equipment and automated fingerprint equipment.
 - b. Auxiliary or accessorial equipment, such as data communications terminals, source data automation recording equipment (e.g., optical character recognition equipment, and other data acquisition devices) and data output equipment (e.g., digital plotters, computer output microfilms), etc., to be used in support of digital, analog, or hybrid computer equipment, whether cable connected, wire connected, radio connected, or self-standing and whether selected or acquired with a computer or separately.
 - c. Data transmission or communications equipment that is selected and acquired solely or primarily for use with a configuration of ADP equipment which includes an electronic computer.
 - d. Qualification and Exclusions.
 - (1) Analog computers are covered only when being used as equipment peripheral to a digital computer.
 - (2) Items of ADP equipment that are (a) physically incorporated in a weapon, or (b) manufactured under a development contract ARE EXCLUDED from the above definition.
 - (3) Accessories, such as tape cleaners, tape testers, magnetic tapes, paper tapes, disk packs, and the like ARE EXCLUDED.
2. **Criminal Justice Information and Communication Systems** that are to be funded shall be designed and programmed to maximize the use of standard and readily available computer equipment and programs. (Identification of such systems will be made on a case-by-case basis.) Applicants involved in the development of criminal justice information systems should utilize the past experience of those agencies which have successfully implemented such systems. A detailed requirements analysis should

be performed and a search for existing software that could meet the identified requirements should be made before new software is developed. If new software is developed, it shall be designed and documented so that other criminal justice agencies will be able to use it with minor modifications and at minimum cost. A recipient or subrecipient shall request approval prior to arranging for patent of computer software and programs.

- a. Prior approval is NOT REQUIRED for the LEASE or RENTAL of such equipment; nevertheless, assurance must be provided that leases or rentals greater than \$100,000 are obtained in accordance with Federal procurement standards.
 - b. Where the amount of the acquisition exceeds \$100,000, prior approval from the awarding agency is REQUIRED for the acquisition of equipment (outright purchase, lease-purchase agreement, or other method of purchase).
 - c. A review of ADP equipment procurement shall be REQUIRED and should include a review of the description of the equipment to be purchased. This review shall be documented in writing for the file and shall require the awarding agency to certify that the procurement is consistent with the following requirements:
 - (1) The ADP equipment of the type to be purchased was identified within the award applications and is necessary and sufficient to meet the project goals.
 - (2) The ADP equipment procurement is in compliance with existing Federal agency, State, and local laws and regulations.
 - (3) A purchase/lease comparison has been conducted demonstrating that it is more advantageous to purchase rather than lease the ADP equipment under consideration.
 - (4) If software development is involved, it has been demonstrated that computer software already produced and available will not meet the needs of the award.
 - (5) If the ADP equipment procurement is to be sole source and that procurement is more than \$100,000, then documentation must have been submitted to justify the action.
 - d. An ADP Procurement Review Form (Suggested Format -- Sample Only) may be obtained by contacting the DOJ Response Center at 1-800 421-6770. This form is a recommended form for documenting an ADP equipment procurement review and the form is shown as a "SAMPLE ONLY."
3. **Equipment and Other Capital Expenditures.** Equipment and other capital assets, including repairs which materially increase their useful life, are allowable if the recipient/subrecipient has received prior approval.
 - a. Where expenditures for equipment are not fully justified by the budget and budget narrative, the awarding agency may require that the type, quantity estimated, unit,

or other information be provided through the issuance of special conditions to the award.

b. In reviewing equipment acquisition budgets and proposals, the following principles should be adhered to:

- (1) No other equipment owned by the recipient/subrecipient is suitable for the effort.
- (2) No requests for luxury vehicles will be approved. Vehicle requests should be reasonable, and recipients shall usually follow Internal Revenue Service (IRS) guidelines for vehicles for business use. Vehicles purchased via State or local central procurement activities as part of a unit of government fleet are generally accepted as reasonable.
- (3) Federal funds are not used to provide reimbursement for the purchase of equipment already owned by the recipient/subrecipient.

Exception: Equipment that has been purchased for a common pool and will be charged to the award at cost value is ALLOWABLE. Equipment that has already been purchased and charged to other activities of the organization would NOT be an ALLOWABLE expense to the award.

- (4) Equipment purchased and used commonly for two or more programs has been appropriately prorated to each activity.

4. **Preagreement Costs.** Prior approval is required for preagreement costs.

a. Block/Formula Funds. Costs which were incurred prior to the date of the subaward period may be charged to the project where the award or subaward application specifically requests support for preagreement costs. States may approve preagreement costs for subrecipients if incurred subsequent to the beginning of the Federal fiscal year of award.

APPROVAL AUTHORITY IS RETAINED BY THE AWARDING AGENCY for any preagreement costs incurred prior to the beginning of the Federal fiscal year of award.

b. Discretionary Awards. Costs which were incurred prior to the start date of the award may be charged to the project only if they receive prior approval from the awarding agency.

5. **Proposal Costs.** Costs to projects for preparing proposals for potential Federal awards require PRIOR APPROVAL for:

- a. The obligation or expenditure of funds; or
 - b. The performance or modification of an activity under an award/subaward project, where such approval is required.
6. **Consultant Rates.** Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the market place. Consideration will be given to compensation including fringe benefits for those individuals whose employers do not provide the same. In addition, when the rate exceeds \$450 (excluding travel and subsistence costs) for an eight-hour day, a written PRIOR APPROVAL is required from the awarding agency. Prior approval requests require additional justification. An eight-hour day may include preparation, evaluation, and travel time in addition to the time required for actual performance. Please note, however, that this does not mean that the rate can or should be \$450 for all consultants. Rates should be developed and reviewed on a case-by-case basis and must be reasonable and allowable in accordance with OMB cost principles. Approval of consultant rates in excess of \$450 a day that are part of the original application with appropriate justification and supporting data will be approved on a case-by-case basis. The following is the policy in regard to compensation of various classifications of consultants who perform like-type services. If consultants are hired through a competitive bidding process (not sole source), the \$450 threshold does not apply.
- a. Consultants Associated with Educational Institutions The maximum rate of compensation that will be allowed is the consultant's academic salary projected for 12 months, divided by 260. These individuals normally receive fringe benefits which include sick leave for a full 12-month period even though they normally only work nine months per year in their academic positions.
 - b. Consultants Employed by State and Local Government Compensation for these consultants will only be allowed when the unit of government will not provide these services without cost. If a State or local government employee is providing services under a Federal grant and is representing their agency without pay from their respective unit of government, the rate of compensation is not to exceed the daily salary rate for the employee paid by the unit of government. If the State or local government employee is providing services under a Federal grant and is not representing their agency, the rate of compensation is based on the necessary and reasonable cost principles.
 - c. Consultants Employed by Commercial and Not-For-Profit Organizations These organizations are subject to competitive bidding procedures. Thus, they are not subject to the \$450 per day maximum compensation threshold before requesting prior approval. In those cases where an individual has authority to consult without employer involvement, the rate of compensation should not exceed the individual's daily salary rate paid by his/her employer subject to the \$450 limitation.
 - d. Independent Consultants. The rate of compensation for these individuals must be reasonable and consistent with that paid for similar services in the market place. Compensation may include fringe benefits. In summary, consultants obtained through competitive bidding do not require prior approval, including individual consultants.

7. **Interest Expense.** Interest on debt incurred to: (1) acquire equipment and buildings; (2) building construction; (3) fabrication; (4) reconstruction; and (5) remodeling is an allowable cost with prior approval. This interest applies only to buildings completed on or after 10/1/80 for State and local units of government and 9/29/95 for non-profit organizations.
8. **Foreign Travel.** Direct charges for foreign travel costs are allowable only when the travel has prior approval of the awarding agency. Indirect charges for foreign travel are allowable without prior approval of the awarding agency when included as part of a Federally approved indirect cost rate and has a beneficial relationship to the project. Each separate foreign trip must be approved. Foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions. However for an organization located in foreign countries, the term “foreign travel” means travel outside that country.

NOTES

Chapter 16: Unallowable Costs

Highlights of Chapter:

- ◆ Land Acquisition
- ◆ Compensation of Federal Employees
- ◆ Travel of Federal Employees
- ◆ Bonuses or Commissions
- ◆ Military-Type Equipment
- ◆ Lobbying
- ◆ Fund Raising
- ◆ Corporate Formation
- ◆ State and Local Sales Taxes
- ◆ Conferences and Workshops

Land Acquisition. The funding legislation specifies that no Federal award involving the renting, leasing, or construction of buildings or other physical facilities shall be used for land acquisition. Accordingly, land acquisition costs are unallowable.

Compensation of Federal Employees. Salary payments, consulting fees, or other enumeration of full-time Federal employees are unallowable costs.

Travel of Federal Employees. Costs of transportation, lodging, subsistence, and related travel expenses of awarding agency employees are unallowable charges. Travel expenses of other Federal employees for advisory committees or other program or project duties or assistance are allowable if they have been:

1. Approved by the Federal employee's Department or Agency; and
2. Included as an identifiable item in the funds budgeted for the project or subsequently submitted for approval.

Bonuses or Commissions. The recipient or subrecipient is prohibited from paying any bonus or commission to any individual or organization for the purpose of obtaining approval of an application for award assistance. Bonuses to officers or board members of profit or non-profit organizations is determined to be a profit or fee and is unallowable.

Military-Type Equipment. Costs for such items as armored vehicles, explosive devices, and other items typically associated with the military arsenal, excluding automatic weapons, are unallowable. Exceptions MAY be made by the awarding agency upon a written request and justification from the recipient.

Lobbying. All recipients and subrecipients must comply with the provisions of the government-wide Common Rule on Restrictions on Lobbying, as appropriate. Refer to Part II, Chapter 1, for more specifics about those provisions.

In addition, the lobbying cost prohibition applicable to all recipients of funding includes the following:

No funds may be used for purposes of:

1. Attempting to influence the outcome of any Federal, State, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity;
2. Establishing, administering, contributing to, or paying for the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcome of elections.
3. Attempting to influence: (a) the introduction of Federal or State legislation; or (b) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any government official or employee in connection with a decision to sign or veto enrolled legislation;
4. Publicity or propaganda purposes designed to support or defeat legislation pending before legislative bodies;
5. Paying, directly or indirectly, for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a member of Congress or of a State legislature, to favor or oppose, by vote or otherwise, any legislation or appropriation by either Congress or a State legislature, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation;
6. Engaging in legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried out in support of or in knowing preparation for an effort to engage in unallowable lobbying; or
7. Paying a publicity expert.

Activities that are exempt from the above coverage include²:

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The support of activities that are permissible under Federal law and regulation does not make such costs allowable. The activity must also be within the scope of the purposes of the grant, i.e., if an advocacy grantee's objectives and activities have no direct applicability to the Federal legislative process, then no costs related to Federal congressional activity, whether prohibited or not, would be allowed.

1. Providing a technical and factual presentation of information on a topic directly related to the performance of an award, through hearing testimony, statements, or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body, or subdivision, or a cognizant staff member thereof, provided such information is readily obtainable and may be readily put in deliverable form, and further provided that costs under this section for travel, lodging, or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.
2. Any lobbying made unallowable by the above paragraph 3 above to influence State legislation in order to directly reduce the cost or to avoid material impairment of the organization's authority to perform under the award.
3. Any activity specifically authorized by statute to be undertaken with funds from an award.
4. Providing testimony to introduce and support general statutory reform, such as criminal or juvenile code revisions before State legislative bodies.
5. Providing testimony before the State legislature on legislative issues or pending legislation.

Fund Raising. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, may not be charged either as direct or indirect costs against the award. Neither the salary of persons engaged in such activities nor indirect costs associated with those salaries may be charged to the award, except insofar as such persons perform other funding-related activities.

An organization may accept donations (i.e., goods, space, services) as long as the value of the donations is not charged as a direct or indirect cost to the award.

A recipient may also expend funds, in accordance with approved award terms, to seek future funding sources to "institutionalize" the project, but not for the purpose of raising funds to finance related or complementary project activities.

Nothing in this section should be read to prohibit a recipient from engaging in fund raising activities as long as such activities are not financed by Federal or non-Federal award funds.

Corporate Formation. The cost for corporate formation may not be charged either as direct or indirect costs against the award.

State and Local Sales Taxes are unallowable when the government assesses taxes upon itself or disproportionately to Federal programs. An example of an unallowable tax would be if the

government levied taxes as a result of Federal funding. An example of an allowable sales tax would be user taxes, such as gasoline tax. These provisions become effective as of the government's fiscal year beginning on or after January 1, 1998.

Conferences and Workshops. Unallowable costs include:

- ! Entertainment
- ! Sports
- ! Visas
- ! Passport Charges
- ! Tips
- ! Bar Charges/Alcoholic Beverages
- ! Laundry Charges

NOTES

Chapter 17: Indirect Costs

Highlights of Chapter:

- ◆ Approved Plan Available
- ◆ No Approved Plan
- ◆ Establishment of Indirect Cost Rates
- ◆ Cost Allocation Plans -- Centralized Support Services
- ◆ Lobbying Costs and the Indirect Cost Pool
- ◆ Approving Rates for Subrecipient

Indirect costs are costs of an organization that are not readily assignable to a particular project, but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs.

Approved Plan Available.

1. The awarding agency may accept any current indirect cost rate or allocation plan previously approved for a recipient by any Federal awarding agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars.
2. Where the approved final indirect cost rate is lower than the actual indirect cost rate incurred, recipients may not charge expenses included in overhead pools (e.g., accounting services, legal services, building occupancy and maintenance, etc.) as direct costs.
3. Organizations with an approved indirect cost rate, utilizing total direct costs as the base, usually exclude contracts under awards or corporation agreements from any overhead recovery. The negotiation agreement will stipulate that major subcontracts are excluded from the base for overhead recovery. The term subcontract means any contract awarded under the award or corporation agreement.

No Approved Plan. If an indirect cost proposal for recovery of actual indirect costs is not submitted to the cognizant Federal agency within three months of the start of the award period, indirect costs will be irrevocably lost for all months prior to the month that the indirect cost proposal is received. This policy is effective for all awards.

Exception: If the Office of Management and Budget (OMB) has not assigned a Federal agency with cognizance for a local jurisdiction, then the unit of government is not required to submit their indirect cost proposal, unless the new cognizant agency (based on preponderance of Federal dollars) requires a copy of the proposal.

Establishment of Indirect Cost Rates.

1. In order to be reimbursed for indirect costs, a recipient must first establish an appropriate indirect cost rate. To do this, the recipient must prepare an indirect cost rate proposal and submit it to the cognizant Federal agency. The cognizant Federal agency is generally determined based on the preponderance of Federal dollars received by the recipient.
 2. Local units of government need only submit their cost allocation plans and indirect cost proposals, if specifically requested by their cognizant Federal agency assigned by OMB.
 3. The proposal must be submitted in a timely manner (within six months after the end of the fiscal year) to assure recovery of the full amount of allowable indirect costs. The proposal must be developed in accordance with principles and procedures appropriate to the type of institution involved.
 4. To support the indirect cost proposal, Federal recipients are responsible for ensuring that independent audits of their organizations are conducted in accordance with existing Federal auditing and reporting standards set forth in OMB Circular A-133. This audit report must be submitted to the cognizant agency to support the indirect cost proposal. After negotiations, the cognizant agency will establish either a predetermined, provisional, final, or fixed-with-carry-forward indirect cost rate.
 5. A signed certification from the grantee organization requesting an indirect cost rate must accompany the indirect cost allocation plan. This organization must certify that the indirect cost allocation plan only includes allowable costs.
 6. Copies of brochures of indirect cost rates that may describe the procedures involved in the computation may be obtained from the U.S. Superintendent of Documents, United States Government Printing Office, Mail Stop: SSOP, Washington, D. C. 20402-9328.
- ! **OASC-1** (Rev) -- A Guide for Colleges and Universities, Cost Principles and Procedures for Establishing Indirect Cost Rates for Research Awards with the Department of Health, Education and Welfare.
- ! **OASMB-5** (Rev) -- A Guide for Non-Profit Institutions, Cost Principles and Procedures for Establishing Indirect Cost and Other Rates for Awards with the Department of Health, Education, and Welfare.
- ! **ASMB C-10** -- A Guide for State, Local and Indian Tribal Governments, Cost Principles and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government.

Cost Allocation Plans -- Central Support Services. State agencies and local units of government may not charge to an award the cost of central support services supplied by the State or local units of government except pursuant to a cost allocation plan approved by the cognizant Federal agency. The rate which is to be applied may be on a fixed, predetermined, or fixed-with-carry-forward provision.

Lobbying Costs and the Indirect Cost Pool. When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal and thereafter treated as other unallowable activity costs in accordance with the above procedures and Attachment A of OMB Circular A-122.

1. Organizations shall submit, as part of their annual indirect cost rate proposal, a certification that the requirements and standards have been complied with.
2. Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to Attachment B of OMB Circular A-122 complies with the requirements of the Circular.
3. Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this section during any particular calendar month when:
 - a. The employee engages in lobbying, as defined above;
 - b. Twenty-five percent or less of the employee's compensated hours of employment during that calendar month constitutes lobbying as defined above; and
 - c. Within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs.
4. When conditions "a" and "b" above are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions "a" and "b" above are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

Approving Rates for Subrecipients is the responsibility of the direct recipient. The Federal awarding agency will not approve indirect cost rates beyond the direct recipient level.

NOTES

Chapter 18: Closeout

Highlights of Chapter:

- ◆ Closeout of Discretionary/Categorical Awards
- ◆ Closeout of Formula/Block Awards

Closeout of Discretionary/Categorical Awards.

1. **Cash Reconciliation.** The recipient should request reimbursement for any funds due to cover expenditures and obligations (incurred prior to the grant expiration date and liquidated no more than 90 days after the grant expiration date) at grant closeout. The recipient expenditures (outlays) must be equal to or greater than the cash disbursements from the awarding agency.
2. **Drawdown of Funds.** Recipients should request final payment for reimbursement of expenditures made within the approved period in conjunction with the final financial status report.
3. **Recipient Closeout Requirements.** Within **120 days** after the end date of the award or any approved extension thereof (revised end date) the following documents must be submitted by the recipient to the awarding agency.
 - a. Final Financial Status Report. This FINAL report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award amount of the awarding agency. Recipients on a check-issued basis, who have drawn down funds in excess of their obligation/expenditures, shall return unused funds to the awarding agency at the same time they submit the final report. Recipients under LOCES and PAPRS payment system should make adjustments for any cash balances on subsequent requests. (Recipients must report obligations and expenditures at the recipient/subrecipient level.)
 - b. Final Progress Report. This report should be prepared in accordance with instructions provided by the awarding agency.
 - c. Invention Report. All inventions that were conceived or first actually reduced to practice during the course of work under the award project must be listed on this report before closeout.

Closeout of Formula/Block Awards. The timeframe for closeout of formula/block awards is also 120 days from the end date of the grant. Cash disbursements and recipient expenditures must reconcile before closeout.

Debt Collection Act of 1996 states that all eligible recipients of Federal payments must receive funds electronically. If, after written notification, grantee payments continue to be delinquent, the debt will be referred to a collection agency for further action.

NOTES

Chapter 19: Audit Requirements

Highlights of Chapter:

- ◆ Audit Objectives
- ◆ Audit Reporting Requirements
- ◆ Failure to Comply
- ◆ Audit Thresholds
- ◆ Due Dates for Audit Reports
- ◆ Audit Compliance
- ◆ Resolution of Audit Reports
- ◆ Top Ten Audit Findings
- ◆ Audits of Subrecipients
- ◆ Technical Assistance
- ◆ Full-Scope Auditing
- ◆ Commercial (For-Profit) Organizations
- ◆ Distribution of Audit Reports
- ◆ OIG Regional Offices

This chapter establishes responsibilities for the audit of organizations receiving agency funds. The intent of this chapter is to identify the policies for determining the proper and effective use of public funds rather than to prescribe detailed procedures for the conduct of an audit.

Audit Objectives. Awards are subject to conditions of fiscal, program, and general administration to which the recipient expressly agrees. Accordingly, the audit objective is to review the recipient's administration of funds and required non-Federal contributions for the purpose of determining whether the recipient has:

1. Established an accounting system integrated with adequate internal fiscal and management controls to provide full accountability for revenues, expenditures, assets, and liabilities. This system should provide reasonable assurance that the organization is managing Federal financial assistance programs in compliance with applicable laws and regulations.
2. Prepared financial statements which are presented fairly, in accordance with generally accepted accounting principles.
3. Submitted financial reports (which may include Financial Status Reports, Cash Reports, and Claims for Advances and Reimbursements), which contain accurate and reliable financial data, and are presented in accordance with the terms of applicable agreements.
4. Expended Federal funds in accordance with the terms of applicable agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

Audit Reporting Requirements. Independent auditors should follow the requirements prescribed in OMB Circular A-133.

If the auditor becomes aware of illegal acts or other irregularities, prompt notice shall be given to recipient management officials above the level of involvement. The recipient, in turn, shall promptly notify the cognizant Federal agency of the illegal acts or irregularities and of proposed and actual actions, if any.

All awarding agency personnel have the responsibility to inform the OJP's Office of the Comptroller; DOJ's Office of Professional Responsibility and the Office of Inspector General; and State and local law enforcement agencies or prosecuting authorities, as appropriate, of any known violations of the law within their respective area of jurisdiction.

Audit costs for audits not required or performed in accordance with OMB Circular A-133 are unallowable. If the grantee did not expend \$300,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit; these costs may not be charged to the grant.

Failure to Comply. Failure to have audits performed as required may result in the withholding of new awards and/or withholding of funds or change in the method of payment on active grants.

Audit Threshold:

1. Non-Federal entities that expend \$300,000 or more in Federal funds (from all sources including pass-through subawards) in the organization fiscal year (12 month turnaround reporting period) shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133.
2. Non-Federal entities that expend less than \$300,000 a year in Federal awards are exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials including the Federal agency, pass-through entity, and General Accounting Office (GAO).

Due Dates for Audit Reports. Audits are due no later than thirteen (13) months after the close of each fiscal year during the term of the award. (For fiscal years beginning on/after July 1, 1998, audit reports are due nine (9) months after the close of the fiscal year.)

Audit Compliance. Techniques to use to determine recipient compliance with Federal requirements when an organization-wide audit is not conducted include:

1. Obtaining audits from recipient that were made in accordance with the "Government Auditing Standards."
2. Relying on previous audits performed on recipient's operations.
3. Desk reviews by program officials of project documentation.
4. Project audits by auditors or auditors obtained by recipients.
5. Evaluations of recipient's operations by program officials.

Resolution of Audit Reports. Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each recipient shall have policies and procedures for responding to audit recommendations by designating officials responsible for:

1. Following up;
2. Maintaining a record of the action taken on recommendations and time schedules for completing corrective action;
3. Implementing audit recommendations;
4. Submitting periodic reports to the Federal cognizant audit agency on recommendations and actions taken; and
5. Providing an audit special condition on all subawards. This special condition contains information, such as the audit report period, required audit report submission date, and name and address of cognizant Federal agency. The policy of the awarding agency is not to make new awards to applicants who are not in compliance with the audit requirements.

The awarding agency monitors the audit requirements through its audit tracking system and is responsible for tracking audit reports received through the audit process until resolved and closed.

Top Ten Audit Findings include:

1. Untimely report submissions;
2. Lack of documentation;
3. Inadequate monitoring of subrecipients;
4. Inadequate time/effort reports;
5. Inaccurate reports (Financial Status Reports);
6. Commingling of funds;
7. Excess cash on hand;
8. Unallowable costs;
9. Inappropriate changes; and
10. Conflicts of interest.

Audit of Subrecipients. When subawards are made to another organization(s), the recipient shall require that subrecipients comply with the audit requirements set forth in this chapter. Recipients are responsible for ensuring that subrecipient audit reports are received and for

resolving any audit findings. Known or suspected violations of any law encountered during audits, including fraud, theft, embezzlement, forgery, or other serious irregularities, must be communicated to the recipient.

For subrecipients who are not required to have an audit as stipulated in OMB Circular A-133, the recipient is still responsible for monitoring the subrecipients' activities to provide reasonable assurance that the subrecipient administered Federal awards in compliance with Federal requirements.

Technical Assistance. The Office of Inspector General, DOJ, is available to provide technical assistance to recipients in implementing the audit requirements of this chapter where the DOJ is the assigned cognizant agency or has oversight responsibilities because it provided the preponderance of direct Federal funding to the recipient. This assistance is available for areas such as:

1. Review of the audit arrangements and/or negotiations;
2. Review of the audit program or guide to be used for the conduct of the audit; and
3. On-site assistance in the performance of the audit, when deemed necessary, as a result of universal or complex problems that arise. Requests for technical assistance should be addressed to the appropriate Regional Inspector General's Office, DOJ (see listing of regional offices).

Full-Scope Auditing. In addition to arranging and providing for the organizational, financial, and compliance audits required by the OMB circular, individual recipients and subrecipients are encouraged to provide for additional audit coverage, as deemed appropriate. The additional audit coverage that may be provided should be determined based on the circumstances surrounding the particular organization, function, program, or activity to be audited, management needs, and available audit capability. Additional audit coverage could involve such organizational determinations as related to:

1. Are resources managed and used in an economical and efficient manner?
2. Are desired results and objectives achieved in an effective manner?
3. Are the organization's accounting system and system of internal controls acceptable prior to the receipt of awarding agency funds?
4. Are the organization's systems and controls adequate to detect fraud, waste, and abuse?

Commercial (For-Profit) Organizations shall have financial and compliance audits conducted by qualified individuals who are organizationally, personally, and externally independent from those who authorize the expenditure of Federal funds. This audit must be performed in accordance with Government Auditing Standards, 1994 Revision. The purpose of this audit is to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the award. Usually, these audits shall be conducted annually, but not less frequently than every two years. The dollar threshold for audit reports established in OMB Circular A-133, as amended, applies.

Distribution of Audit Reports. The submission of audit reports for all grantees shall be as follows:

1. **State and Local Governments, Institutions of Higher Education, and Non-Profit Institutions.** All completed audit reports for State and local governments, institutions of higher education, and non-profit institutions should be mailed to the Federal Audit Clearinghouse, Bureau of the Census, 1201 East 10th Street, Jeffersonville, IN 47132. In addition, a copy of the transmittal letter should be mailed to the Office of the Comptroller, Office of Justice Programs, ATTN: Control Desk, U.S. Department of Justice, 810 7th Street, N.W., Room 5303, Washington, DC 20531.
2. **Commercial Organizations and Individuals.** One copy of all audit reports for commercial organizations and individuals should be mailed to the Office of the Comptroller, Office of Justice Programs, ATTN: Control Desk, U.S. Department of Justice, 810 7th Street, N.W., Room 5303, Washington, DC 20531.

OIG Regional Offices.

Regional Audit Office	Geographical Area of Responsibility
<p>Clark F. Cooper Atlanta Regional Audit Manager 101 Marietta Street, Suite 2322 Atlanta, GA 30323-2401 Voice No. (404) 331-5928 Fax No. (404) 331-5046</p>	<p>Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico, Virgin Islands</p>
<p>Robert C. Gruensfelder Chicago Regional Audit Manager 500 West Madison, Suite 3510 Chicago, IL 60661-2590 Voice No. (312) 353-1203 Fax No. (312) 886-0513</p>	<p>Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin</p>
<p>George W. Stendell Dallas Regional Audit Manager 207 S. Houston Street, Box 4, Room 334 Dallas, TX 75202 Voice No. (214) 655-5000 Fax No. (214) 655-5025</p>	<p>(No single audit responsibility.)</p>
<p>David M. Sheeren Denver Area, Asst. Regional Audit Manager Regional Inspector General for Audit 1120 Lincoln Street, Suite 1603 Denver, CO 80203 Voice No. (303) 864-2000 Fax No. (303) 864-2004</p>	<p>Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, South Dakota, Oklahoma, Texas, Utah, Wyoming</p>
<p>M. Thomas Clark San Francisco Regional Audit Manager 1200 Bayhill Drive, Suite 201 San Bruno, CA 94066 Voice No. (415) 876-9220 Fax No. (415) 876-0902</p>	<p>Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, Trust Territories of the Pacific Islands, Commonwealth of Northern Mariana Islands</p>
<p>Ferris B. Polk Philadelphia Regional Audit Manager 701 Market Street, Suite 201 Philadelphia, PA 19106 Voice No. (215) 580-2111 Fax No. (215) 597-1348</p>	<p>Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont</p>
<p>Domenic A. Zazzaro Washington Regional Audit Manager 1425 New York Ave., N.W., Suite 6001 Washington, D. C. 20005 Voice No. (202) 616-4688 Fax No. (202) 616-4581</p>	<p>District of Columbia, Maryland, Virginia, West Virginia</p>

NOTES

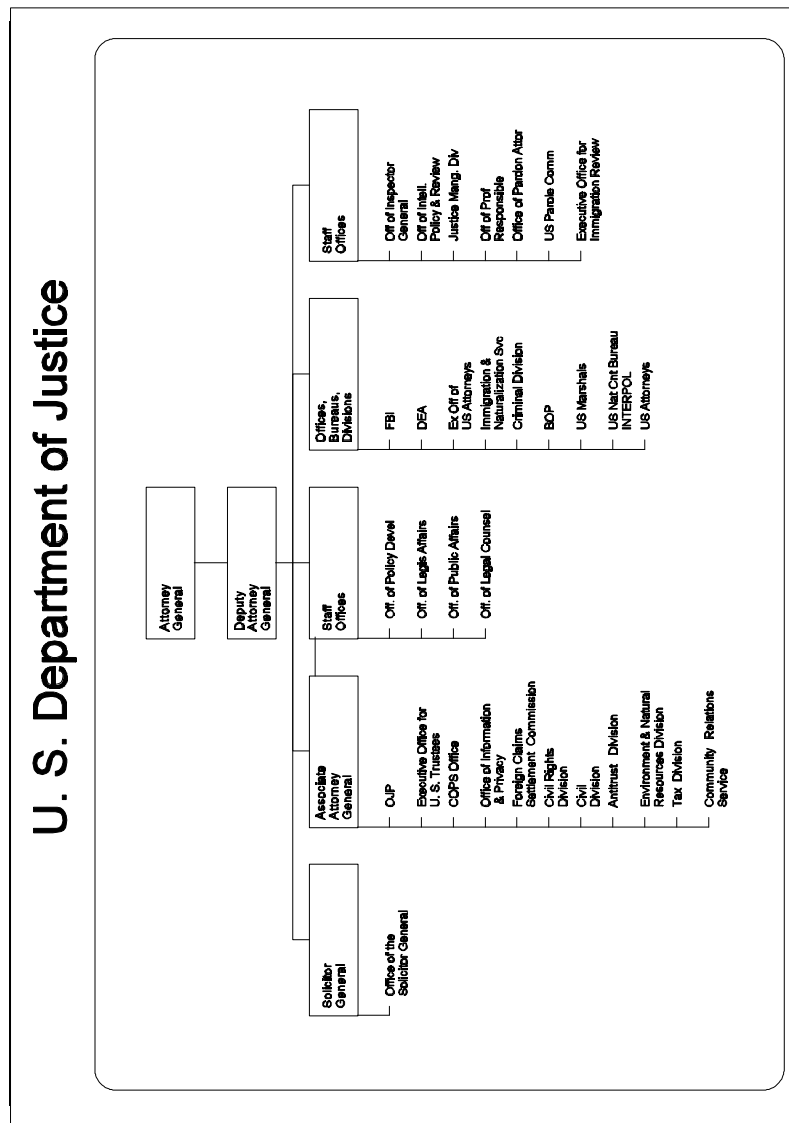
PART IV -- ORGANIZATION AND PROGRAM INFORMATION

Chapter 1: Organization Structure

Highlights of Chapter:

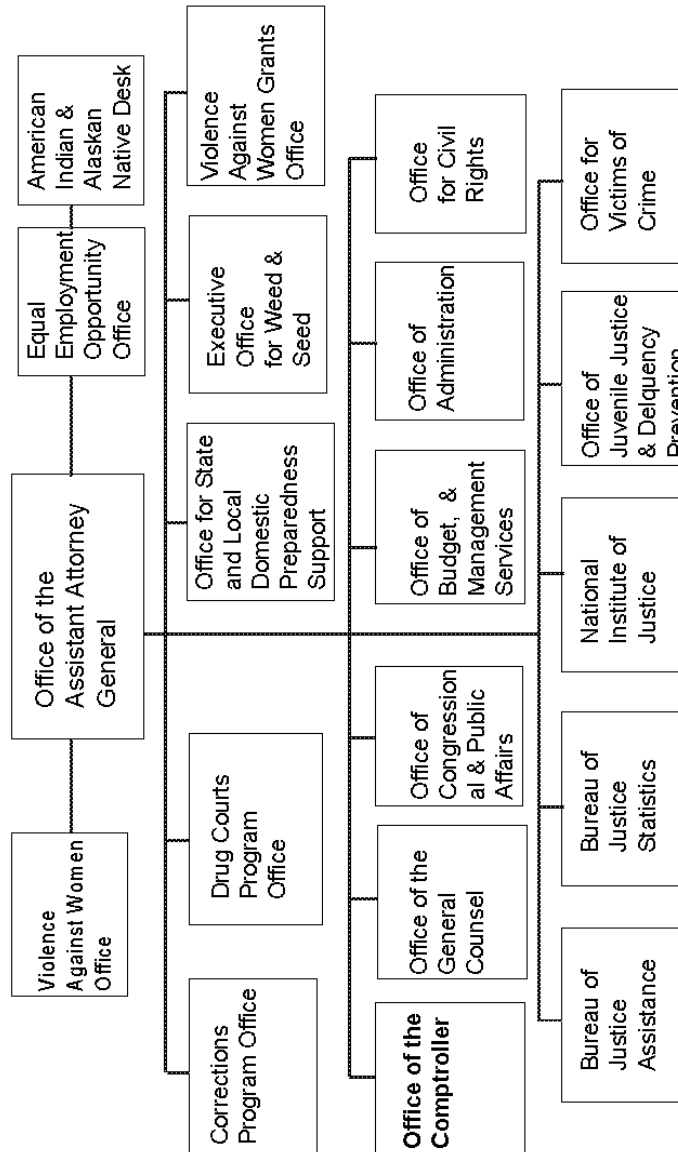
- ◆ United States Department of Justice Organization Chart
- ◆ Office of Justice Programs Organization Chart
- ◆ Office of the Comptroller Organization Chart

United States Department of Justice Organization Chart.

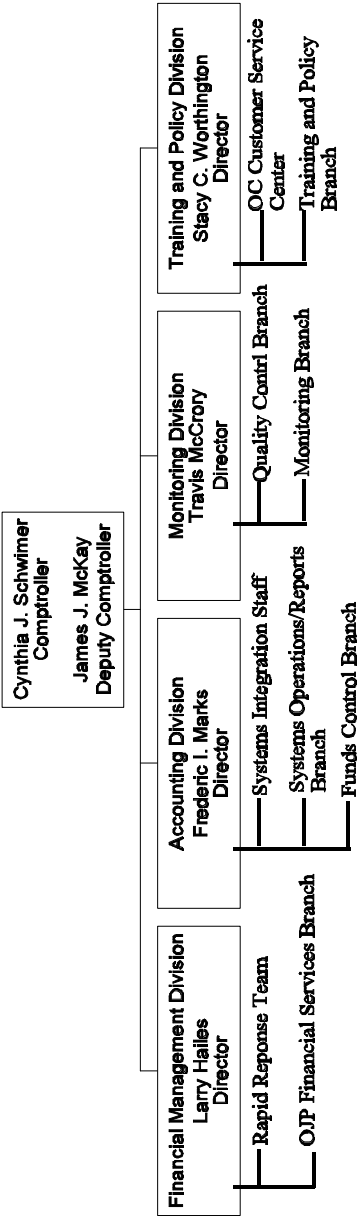


Office of Justice Programs Organization Chart.

Office of Justice Programs Organization Chart



Office of the Comptroller Organizational Structure



NOTES

Chapter 2: Legislative Authority

Highlights of Chapter:

- ◆ Office of Juvenile Justice and Delinquency Prevention
- ◆ Bureau of Justice Statistics
- ◆ National Institute of Justice
- ◆ Bureau of Justice Assistance
- ◆ Office for Victims of Crime
- ◆ Civil Rights Division
 - Office of Special Counsel for Immigration Related Unfair Employment Practices
 - Americans with Disabilities Act Technical Assistance Grant Program
- ◆ Drug Courts Program Office
- ◆ Corrections Program Office
- ◆ Violence Against Women Grants Office
- ◆ Executive Office of Weed and Seed

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Formula Grants

16.540 Juvenile Justice and Delinquency Prevention - Allocation to States

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Section 221-223, Public Law 93-415, as amended, Public Laws 95-115, 96-509, 98-473, 100-690, and 102-586, codified as amended at 42 U. S. C. 5631-5633.

OBJECTIVES: To increase the capacity of State and local governments to support the development of more effective education, training, research, prevention, diversion, treatment, accountability based sanctions, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

USES AND USE RESTRICTIONS: This program, established by the Juvenile Justice and Delinquency Prevention Act of 1974, allocates formula grant funds to States and territories on the basis of their relative population under age 18. The minimum allocation to each State is \$600,000 and to the Territories is \$100,000. States/Territories must demonstrate compliance with four core requirements of the JJDP act in order to receive their full allocation of Formula Grants funds.

The core requirements are: Section 223 (A) deinstitutionalization of status offenders; (B) separation of adults and juveniles in secure custody; (C) removal of juveniles from adult jails and lockups; and (D) the elimination of the disproportionate confinement of minority juveniles, where such conditions exist. Technical Assistance: Not in excess of two percent of the funds available each fiscal year to Formula Grants is available for grants and contracts with public and private agencies, organizations and individuals to provide assistance to The State's allocation will be reduced by 25% for each core requirement with which the State is in non-compliance. States, units of general local governments, and combinations thereof, and local private agencies to facilitate compliance with Section 223 of the JJDP Act and implementation of the State Plan approved by OJJDP. Technical assistance provided under this provision must be coordinated with the State agencies designated to implement the Formula Grants program.

To be eligible for formula grant funds, a State must submit a comprehensive plan applicable to a three-year period embodying the purposes of the Act and including provisions that:

- (1) provide for an advisory group appointed by the chief executive of the State to carry out specified functions and to participate in the development and review of the State's juvenile justice plan;
- (2) provide within three years of submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or offenses which do not constitute violations of valid court orders or such nonoffenders as dependent and neglected children, are removed from secure juvenile detention and secure correctional facilities;
- (3) provide that juveniles alleged to be or found to be delinquent within the purview of the deinstitutionalization core requirement not be confined or detained in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;
- (4) provide that no juvenile shall be detained or confined in any jail or lockup for adults (with specified exceptions); and
- (5) provide for programs to eliminate the disproportionate confinement of minority juveniles where such condition exists.

Once the plan is approved, each State determines the specific programs to be funded. The States are responsible for processing applications for subgrants and administering funded projects. Two-thirds of funds must be passed through to units of general local government, private nonprofit agencies, and Indian Tribes performing law enforcement functions unless a waiver is granted.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: The Chief Executive of each State which chooses to apply for a formula grant shall establish or designate a State agency as the sole agency for supervising the preparation and administration of the plan, in accordance with the Juvenile Justice Amendments of 1984.

Technical Assistance: Grants and contracts may only be made to agencies, organizations and individuals that have experience in providing technical assistance to State agencies in implementing State plans, and in facilitating compliance with Section 223 of the JJDP Act. (Public Law 102-586).

Beneficiary Eligibility: Units of a State and its local government, public and private organizations, Indian tribes performing law enforcement functions, and agencies involved in juvenile delinquency prevention, treatment, and rehabilitation.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular A-87 for State and local governments.

Formula and Matching Requirements: Formula based on population. Grantees are required to provide dollar for dollar match on planning and administration funds. Action programs allow no match. At least 66 2/3 percent of the funds received by the State under Section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, must be "expended by" or "passed through to" programs of units of general local government, private nonprofit agencies, and Indian tribes performing law enforcement functions, insofar as they are consistent with the State Plan. This provision may be waived at the discretion of the OJJDP Administrator for any State depending upon the extent to which the services for delinquent or potentially delinquent youth are supported on a statewide basis.

16.541 Juvenile Justice and Delinquency Prevention - Special Emphasis (Program Grants and Discretionary Grants)

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Sections 261, 262, Public Law 93-415, as amended; Public Laws 95-503, 95-115, 96-509, 98-473, 100-690, and 102-586, codified at 42 U.S.C. 5665-5665a.

OBJECTIVES: To develop and implement programs that design, test, and demonstrate effective approaches, techniques and methods for preventing and controlling juvenile delinquency, such as: community based-alternatives to institutional confinement; developing and implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system; programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system; model programs to strengthen and maintain the family unit including self-help programs; prevention and treatment programs relating to juveniles who commit serious crimes; programs to prevent hate crimes; and a national law-related education program of delinquency prevention.

USES AND USE RESTRICTIONS: To be eligible for a Special Emphasis Assistance Award, an applicant must:

- (1) respond to legislative requirements contained in Section 261 (a) and (b) of the JJDP Act, as amended as well as specific program guidelines issued by the Office of Juvenile Justice and Delinquency Prevention (OJJDP);
- (2) be consistent with the objectives and priorities of OJJDP and the State's comprehensive juvenile justice and delinquency prevention plan;
- (3) provide for proper program administration, evaluation, and fiscal reporting;
- (4) demonstrate, in the overall quality of the proposal, that the program is technically sound and will achieve the required program objectives at the highest possible level;
- (5) demonstrate that the proposed project meets the requirements of relative cost effectiveness pursuant to Section 262 (c)(1) and (c)(5) of the Juvenile Justice and Delinquency Prevention Act; and
- (6) respond to clear and documentable needs.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Special Emphasis funds are available, to public and private nonprofit agencies, organizations, individuals, State and local units of government, combinations of State or local units.

Beneficiary Eligibility: Public and private youth serving agencies/organizations, State and local units of government, combinations of such units, or other private agencies, organizations, institutions or individuals.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular Nos. A-87 for State and local government, A-21 for educational institution, and A-122 for nonprofit organizations.

Matching Requirements: Special Emphasis: grants awarded under the Juvenile Justice and Delinquency Prevention Act do not require a cash match; except for construction projects, where the match is 50 percent on community based facilities of 20 beds or less.

16.542 National Institute for Juvenile Justice and Delinquency Prevention

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Section 241-248, Public Law 93-415 as amended; Public Laws 95-115, 96-509, 98-473, 100-690, and 102-586, codified as amended at 42 U.S.C. 5651-5662.

OBJECTIVES: To encourage, coordinate, and conduct research and evaluation of juvenile justice and delinquency prevention activities; to provide for public and private agencies, institutions, justice system agencies, a clearinghouse and information center for collecting, disseminating, publishing, and distributing information on juvenile delinquency; to conduct national training programs of juvenile related issues, and provide technical assistance and training to Federal, State, and local governments, courts, corrections, law enforcement, probation, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

USES AND USE RESTRICTIONS: It is the purpose of the Institute to provide a coordinating center for the collection, preparation and dissemination of useful data regarding the prevention, treatment and control of juvenile delinquency and child exploitation; to provide training for human services professionals, judges, paraprofessionals, juvenile corrections and detention personnel, volunteers, law enforcement personnel where activities relate to juvenile delinquency prevention and treatment programs and improvement of the juvenile justice system; to promote leadership development in the field of juvenile justice; to promote dissemination of information about new technologies and training methods, to stimulate and support training in the fields of juvenile justice, missing and exploited children; and the human services networks which support the juvenile justice system; and to support development of standards for the administration of juvenile justice. The funds are also used to conduct research, program development and evaluation into any aspect of juvenile delinquency, missing and exploited children; to review standards of juvenile detention and correctional facilities; to strengthen and maintain the family unit; to improve our understanding of the development of pro-social and anti-social behavior patterns; to report the number and characteristics of juveniles taken into custody; to collect, process, and report on the data from the Nation's juvenile justice systems; to assess the juvenile justice system's handling of sex offenders and their offenses; to research and identify early court interventions, delays in sanctions and effective juvenile offender prevention and treatment programs; and to study waivers and transfers to adult courts and conduct research to increase knowledge of how violent youth gangs contribute to serious, violent, and chronic juvenile crime.

Matching Requirements: No match required.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Public or private agencies, organizations, or individuals.

Beneficiary Eligibility: Public or private agencies, organizations, or individuals.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular A-87 for State and local government.

16.543 Missing Children's Assistance

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Title IV, Public Law 93-415, as amended; Public Laws 98-473, 100-690; 102-586, and 104-235; codified as amended at 42 U.S.C. 5771-5780.

OBJECTIVES: To ensure that there is effective coordination among all federally funded programs related to missing children. Establish and operate a national resource center and clearinghouse designed to:

- (1) provide technical assistance to local and State governments, public and private nonprofit agencies and individuals in locating and recovering missing children;
- (2) coordinate public and private programs which locate, recover or reunite missing children with their legal custodians;
- (3) disseminate nationally information about innovative and model missing children's programs, services, and legislation; and
- (4) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, private nonprofit agencies, and individuals in the prevention, investigation, prosecution and treatment of the missing and exploited child case; and in locating and recovering missing children.

(5) periodically conduct national incidence studies to determine the actual number of children reported missing each year, the number of children who are victims of stranger abductions, the number of children who are victims of parental kidnapping, and the number of missing children who are recovered each year.

(6) provide to State and local government, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children. The administrator shall make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination).

(7) provide for the furnishing of information derived from the national toll-free telephone line where individuals may report information regarding the location of missing children.

USES AND USE RESTRICTIONS: The Administrator is authorized to make grants with public agencies or private nonprofit organizations, or combinations thereof, for research, demonstration projects, or service programs designed:

(1) to educate parents, children, and community agencies and organizations in ways to prevent the abductions and sexual exploitation of children;

(2) to provide information to assist in the locating and return of missing children;

(3) to aid communities in the collection of materials which would be useful to parents in assisting others in the identification of missing children;

(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences, on both parents and children, of (a) the abduction of a child, both during the period of disappearance and after the child is recovered; and (b) the sexual exploitation of a missing child;

(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases;

(6) to address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation and by promoting the active participation of children and their families in cases involving abuse or sexual exploitation of children;

(7) to address the needs of missing children and their families following the recovery of such children;

(8) reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals legal custodians without such custodians' consent;

(9) to establish or operate statewide clearinghouses to assist in recovering or locating missing children.

Matching Requirements: No match required.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Missing Children's funds are available, to public and private nonprofit agencies, organizations, individuals, State and local units of government, combinations of State or local units.

Beneficiary Eligibility: State and local units of government, private nonprofit agencies, organizations, institutions or individuals.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular Nos. A-87 for State and local governments and A-122 for nonprofit organizations.

16.544 Gang-Free Schools and Communities - Community - Based Gang Intervention

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Sections 281 and 283, Public Law 93-415, as amended; Public Laws 100-690, and 102-586; codified as amended at 42 U.S.C. 5667-5667b.

OBJECTIVES: To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include:

- 1) individual, peer, family, and group counseling, including provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;
- 2) education and social services designed to address the social and developmental needs of juveniles;
- 3) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families;
- 4) the organization of the neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and
- 5) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

USES AND USE RESTRICTIONS: To be eligible for an award or contract, an applicant must:

- (1) respond to legislative requirements contained in Section 281A and 282A of the JJDP Act, as amended as well as specific program guidelines issued by the Office of Juvenile Justice and Delinquency Prevention (OJJDP);
- (2) be consistent with the objectives and priorities of OJJDP;
- (3) provide for adequate program administration, evaluation and fiscal reporting;
- (4) demonstrate, in the overall quality of the proposal, that the program is technically sound and will achieve the required program objectives at the highest possible level; and
- (5) respond to clear and documentable needs.

Matching Requirements: No match required.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Part D funds are available to public or private nonprofit agencies, organizations or individuals.

Beneficiary Eligibility: Public or private nonprofit agencies, organizations or individuals.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular Nos. A-87 for State and local governments, A-21 for educational institutions, and A-122 for nonprofit organizations.

16.547 Victims of Child Abuse (Judicial Child Abuse Training, Investigation and Prosecution of Child Abuse Through the Criminal Justice System, Court Appointed Special Advocates (CASA), and Children's Advocacy Centers)

AUTHORIZATION: Victims of Child Abuse Act of 1990, Public Law 101-647, as amended; Public Law 102-586; codified as amended at 42 U.S.C. 13001, et seq.

OBJECTIVES: To develop model technical assistance and training programs to improve the courts' handling of child abuse and neglect cases; To facilitate the adoption of laws to protect children against the potential second assault of the courtroom proceeding; to address the present situation in which many States have adopted innovative procedures that have far outpaced Federal law, leaving those children who do enter the Federal system inadequately protected; to address the inconsistency and disparity among State laws on child abuse; to train criminal justice system personnel on up-to-date, innovative techniques for investigating and prosecuting child abuse cases; and, to promote a multidisciplinary approach to coordinating the investigations and prosecution of child abuse cases and, thereby, limiting the number of pre-trial interviews a child must go through as well as better assure the accuracy of each interview.

The National Court Appointed Special Advocate Association provides technical assistance, information and support to local CASA programs, as well as assists communities in developing new programs, and provides support to existing and developing State organizations on issues, such as; the development of goals and objectives, State legislation, and State standards to strengthen local programs; assisting communities in developing child-focused programs designed to improve the resources available to children and families; providing support to non-offending family members; enhance coordination among community agencies, professionals, and providing medical support to health care and mental health care professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

USES AND USE RESTRICTIONS: Funds are available specifically to achieve the objectives of the Judicial Child Abuse Training, Investigation and Prosecution of Child Abuse Through the Criminal Justice System, Court Appointed Special Advocates (CASA), and the Regional and Local Advocacy Centers.

Matching Requirements: Not applicable.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Eligible applicants are designated in the congressional appropriations process for judicial child abuse training, investigation and prosecution of child abuse through the criminal justice system, and Court Appointed Special Advocates (CASA). Local nonprofit agencies/organizations may apply to National Court Appointed Special Advocates (NCASA) for State CASA programs and to start or expand local court appointed special advocate programs and advocacy centers or agencies/organizations interested in start-up of children's advocacy centers may apply to the National Network of Children's Advocacy Centers (NNCAC) for funds awarded to them by OJJDP for this purpose. Awards are being made to current grantees of the four Regional Children's Advocacy Centers for the third year of a 5-year project period contingent upon future Congressional earmarks.

Beneficiary Eligibility: Public or private agencies/organizations addressing child abuse problem.

Credentials/Documentation: Cost will be determined in accordance with OMB Circular Nos. A-87 for State and local governments, A-21 for educational institutions, and A-122 for nonprofit organizations.

16.548 Title V Delinquency Prevention Program

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Title V, Public Law 93-415 as amended; Public Laws 102-586 and 104-316; codified as amended at 42 U.S.C. 5781-5785.

OBJECTIVES: To increase the capacity of State and local governments to support the development of more effective prevention, programs to improve the juvenile justice system through risk and protective factor focused programming approach.

USES AND USE RESTRICTIONS: This program authorizes the Administrator to make grants to a State, to be transmitted through the State Advisory Group, to units of general local government for delinquency prevention programming.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: States will invite units of general local government that meet the statutorily mandated eligibility requirements to apply for funding and competitively select for funding those jurisdictions that meet the minimum selection criteria specified in the guidelines as published in the Federal Register, and other such criteria as the State shall adopt.

Beneficiary Eligibility: A State and its units of general local government, involved in juvenile delinquency prevention programs.

Credentials/Documentation: Cost will be determined in accordance with OMB Circular No. A-87 for State and local governments.

Formula and Matching Requirements: Formula based on population of youth under the maximum age of original juvenile court delinquency jurisdiction. State or units of general local government must match Title V funds with a 1/3 (33 1/3%) cash or the value of in-kind contributions. Federal funds may pay up to 2/3 (66 2/3%) of the total project costs.

16.549 Part E State Challenge Activities (Challenge Grants)

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Section 285, Public Law 93-415 as amended; Public Law 102-586, codified as amended at 42 U.S.C. 5667c.

OBJECTIVES: The purpose of the Challenge Grant Program is to provide incentives for States participating in the Formula Grants Program to develop, adopt, and approve policies and programs in one or more of ten specified challenge activities to improve the State's juvenile justice system.

USES AND USE RESTRICTIONS: Funds must be used to support the ten challenge activities specified in Section 285(b)(2) of the JJDP Act, as amended.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: The only eligible applicants for Part E Challenge Grants in a given fiscal year are the State agencies, designated by the Chief Executive of the State pursuant to Section 223(a)(1) of the JJDP Act, which receive OJJDP Formula Grant awards under Section 223 of the JJDP Act for the same fiscal year.

Beneficiary Eligibility: State governments participating in the OJJDP Formula Grant Program.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

Formula and Matching Requirements: Each State may apply for a Part E grant in an amount equal to the sum of not more than 10 percent of such State's Formula Grant allocation received, for each Challenge activity in which the State chooses to participate, not to exceed the total amount of the State's Part E allocation. No matching funds are required.

16.726 Juvenile Mentoring Program (JUMP)

AUTHORIZATION: Juvenile Justice and Delinquency Prevention Act of 1974, Section 288, Public Law 93-415, as amended; Public Laws 102-586 and 103-322; codified as amended at 42 U.S.C. 5667e.

OBJECTIVES: To reduce juvenile delinquency and gang participation, improve academic performance, and reduce the dropout rate; through the use of mentors for at-risk youth.

USES AND USE RESTRICTIONS: JUMP provides support for one-to-one mentoring programs for at-risk youth. An "at-risk youth" is, for purposes of this program, a youth who is at risk of educational failure or dropping out of school. A "mentor" is defined as an adult, 21 years or older, who works with an at-risk youth on a one-to-one

basis, establishes a supportive relationship with the youth, and provides the youth with academic assistance and exposure to new experiences which enhance the youth's ability to become a responsible citizen.

ELIGIBILITY REQUIREMENTS: Eligible applicants are those that meet one or more of the following criteria:

- (1) serve at-risk youth in high crime areas;
- (2) have 60 percent or more of their youth eligible to receive funds of the Elementary and Secondary Education Act of 1965 (20 U. S. C. 6301 et seq.);
- (3) have a considerable number of youth who drop out of school each year; and
- (4) that can demonstrate knowledge of and/or experience with mentoring programs, as well as working with volunteers and youth. Mentors must be adult, 21 years or older.

Applicant Eligibility: Local education agencies (LEA) or public/private nonprofit organizations. Both entities (LEA) or public/private nonprofit organizations must collaborate with the other to implement the program. Accordingly, each applicant has specified the nature of the relationship with either the school or school agency (if the applicant is a nonprofit) or with the nonprofit (if the applicant is a LEA).

Beneficiary Eligibility: Local education agencies (LEA) and public/private nonprofit organizations.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments, and OMB Circular No. A-21 for Institutions of Higher Education, Hospitals and OMB Circular No. A-122 for Nonprofit Organizations.

Matching Requirements: Special Emphasis Grants awarded under The Juvenile Justice and Delinquency Prevention Act do not require a cash match, except for construction projects, where the match is 50 percent on community-based facilities of 20 beds or less.

16.523 Juvenile Accountability Incentive Block Grant Program (JAIBG)

AUTHORIZATION: Fiscal Year 1999 Appropriations Act, Pub. L. 105-277 (1998), referencing H.R. 3 (May 3, 1997).

16.529 Drug Free Communities Program

AUTHORIZATION: Drug Free Communities Act of 1997, Pub. L. 105-20 (1997), codified at 21 U.S.C. § 1521 et seq.; Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5651 et seq.

16.529 Drug Free Communities Program

AUTHORIZATION: Fiscal Year 1999 Appropriations Act (1998), Pub. L. 105-277.

BUREAU OF JUSTICE STATISTICS

16.550 State Justice Statistics Program for Statistical Analysis Centers (SACs)

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, Section 301, Public Law 90-351 as amended, Public Laws 96-157, 98-473, 100-690, and 103-322; codified as amended at 42 U.S.C. 3731-3735.

OBJECTIVES: To provide financial and technical assistance to State governments for the establishment and operation of Statistical Analysis Centers (SACs) to collect, analyze, and disseminate justice statistics.

USES AND USE RESTRICTIONS: To improve the administration of justice by encouraging the development of State-level capabilities for collecting, analyzing, utilizing, and disseminating statistical information pertaining to crime and criminal justice, and for providing statistical information to the Federal Government for national compilations. To analyze particular criminal justice issues identified by BJS in conjunction with other Office of Justice Programs components which will be selected for national consistency and interest across the States and will change every six months. Further information is available in the "State Justice Statistics Program for Statistical Analysis Centers: Program Application Guidelines."

Matching Requirements: There is no statutory requirement for matching funds. For most programs, however, provision of cash or in-kind match by the recipient is encouraged.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: The Bureau of Justice Statistics is authorized to award grants and cooperative agreements to State agencies authorized by State legislation or executive order and designated with responsibility for the particular programs.

Beneficiary Eligibility: Eligible beneficiaries are State agencies, institutions of higher education, private organizations, and individuals whose responsibilities include statistical activities consistent with the goals of the specific programs.

Credentials/Documentation: The applicant must furnish, along with the application for an award, details of the program budget composition, goals, impact, methods, evaluation plan, and resources of the project. Costs will be determined in accordance with OMB Circular Nos. A-87 for State and local governments, A-21 for educational institutions, and A-122 for non-profit organizations.

16.554 National Criminal History Improvement Program (NCHIP)

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, Section 509, Public Law 90-351, codified as amended at 42 U.S.C. 3759; Brady Handgun Violence Prevention Act, Section 106(b), Public Law 103-159, codified as amended at 42 U.S.C. 921 et seq; National Child Protection Act of 1993, Section 4(b), Public Law 103-209, codified as amended at 42 U.S.C. 5119 et seq; Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322; codified as amended 42 U.S.C. 13701 et seq.

OBJECTIVES: To enhance the quality and completeness of the nation's criminal history record systems; to provide financial and technical assistance to States for the establishment or improvement of computerized criminal history record systems and in their efforts to collect data on stalking and domestic violence; to improve data accessibility and support data transmissions to the national system which will permit the immediate identification of persons who are prohibited from purchasing firearms, are subject to domestic violence protective orders, or are ineligible to hold positions of responsibility involving children, the elderly, or the disabled; and to develop and improve the processes for identifying, classifying, collecting, and entering data regarding stalking and domestic violence into local, State, and national crime information databases.

USES AND USE RESTRICTIONS: Allowable uses of funds are outlined in the NCHIP FY 1998 Program Announcement released in May 1998 (NCJ 171127). Allowable costs include costs associated with participation in the Interstate Identification Index (III), database automation and record improvements, record flagging, AFIS/livescan, interface with systems compatible with the National Incident-Based Reporting System, relevant equipment, training, and research.

Matching Requirements: There is no statutory requirement for matching funds. For most programs, however, provision of cash or in-kind match by the recipient is encouraged.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Awards will be made to the agency designated by the Governor to administer the NCHIP program. At least one award will be made to each State. The designated agency may be the agency with primary

responsibility for implementing the major activity to be funded with NCHIP funds or a parent agency with programmatic oversight over, and legislative authority to transfer funds to, such agency.

Beneficiary Eligibility: Funds awarded to the State may be allocated for use in State or local agencies or the courts. Private organizations may receive funds under contract arrangements with a governmental unit to which NCHIP funds are allocated by the State.

Credentials/Documentation: The applicant must furnish, along with the application for an award, a detailed budget, a budget narrative, and a program narrative including the goals, impact, methods, evaluation plan, and resources of the project.

NATIONAL INSTITUTE OF JUSTICE

16.560 Justice Research, Development, and Evaluation Project Grants

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, Sections 201-203, Public Law 90-351 as amended; Public Laws 96-157, 98-473, 100-690, 103-322, and 104-316; codified as amended at 42 U.S.C. 3721-3723.

OBJECTIVES: To encourage and support research, development, and evaluation to further understanding of the causes and control of crime and to improve the criminal justice system.

USES AND USE RESTRICTIONS: The funds may be used to conduct research and development pertaining to the above objectives, including the development of new or improved approaches, techniques, and systems, and to carry out programs of research on the causes of crime and means of preventing crime, and to evaluate criminal justice programs and procedures.

Matching Requirements: This program has no statutory formula requirement. However, the Institute shall require, whenever feasible, as a condition of approval of a grant that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: The National Institute of Justice is authorized to make grants to, or cooperative agreements with State and local governments, private nonprofit organizations, public nonprofit organizations, profit organizations, nonprofit organizations, institutions of higher education, and qualified individuals. Applicants from the Territories of the United States and federally recognized Indian Tribal Governments are also eligible to participate in this program.

Beneficiary Eligibility: State and local governments; private nonprofit organizations, public nonprofit organizations, profit organizations, nonprofit organizations, institutions of higher education, and qualified individuals.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular Nos. A-87 for State and local governments, and A-21 for educational institutions and A-122 for non-profit organization.

16.560 Antiterrorism Technology

AUTHORIZATION: Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104-132, Section 821.

OBJECTIVE: To develop technologies that can be used by State and local law enforcement to combat terrorism.

USES AND USE RESTRICTIONS: To develop technologies that can be used to combat terrorism including technologies in the areas of detection of weapons, explosives, chemicals and persons; tracking; surveillance,

vulnerability assessment; and information technologies. To develop standards to ensure the adequacy of products produced and compatibility with relevant national systems. To identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

MATCHING REQUIREMENTS: There are no matching requirements.

ELIGIBILITY REQUIREMENTS: Eligible recipients are State and local governments and private corporations.

16.561 National Institute of Justice Visiting Fellowships

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, Sections 201-202, Public Law 90-351 as amended; Public Laws 96-157, 98-473, 100-690, 103-322, and 104-316; codified as amended at 42 U.S.C. 3721-3722.

OBJECTIVES: To provide opportunities for experienced criminal justice practitioners and researchers to pursue projects aimed at improved understanding of crime, delinquency and criminal justice administration by sponsoring research projects of their own creation and design.

USES AND USE RESTRICTIONS: The funds may be used to conduct research for both adult and juvenile systems on crime causation, crime measurements, crime prevention, law enforcement, criminal justice administration, and the effectiveness and efficiency of anti-crime programs. Fellows conduct their studies while based at the National Institute of Justice.

Formula and Matching Requirements This program has no formula or matching requirements.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Fellowship grants are awarded to individuals or to their parent agencies or organizations. IPA appointments also may be negotiated with Fellows' parent agencies. Generally, professionals working in the criminal justice field, including university or college-based academic researchers and upper-level managers in criminal justice agencies are eligible.

Beneficiary Eligibility: Generally, professionals working in the field of criminal justice research are eligible for grants; those working for law enforcement related branches of State or local government units are eligible for grants or IPA appointments. Each prospective candidate must have at least a bachelor's degree.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

16.562 Criminal Justice Research and Development - Graduate Research Fellowships Program.

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, Sections 201-202, Public Law 90-351 as amended; Public Laws 96-157, 98-473, 100-690, 103-322, and 104-316; codified as amended at 42 U.S.C. 3721-3722.

OBJECTIVES: To improve the quality and quantity of knowledge about crime and the criminal justice system, while, at the same time, helping to increase the number of persons who are qualified to teach in collegiate criminal justice programs, to conduct research related to criminal justice issues, and to perform more effectively within the criminal justice system.

USES AND USE RESTRICTIONS: Eligible students are doctoral candidates engaged in dissertation research and writing on a problem related to law enforcement, crime or criminal justice. A fellowship is funded for up to 2 years. This competitive program provides fellowship stipends, major project costs, and certain university fees for a maximum amount of \$35,000. Students who do not qualify for the doctoral program may consider applying for other research grants under the fellowship solicitation.

Matching Requirements: This program has no matching requirements.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Accredited institution of higher education offering a doctoral degree program. Degree does not have to be in criminal justice, but proposed dissertation work must be related to criminal justice issues.

Beneficiary Eligibility: The student must be engaged in writing a doctoral dissertation directly relevant to crime, law enforcement and/or criminal justice.

Credentials/Documentation: Eligible graduate students interested in competing for a fellowship must furnish along with the application for a grant, a letter of endorsement from the faculty advisor. Applicants must have completed all degree requirements except the research writing, and defense of the dissertation or an internship prior to the start of the grant.

16.563 Law Enforcement Family Support

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, Title XXI, Subtitle B, Section 210201, Public Law 103-322; codified as amended at 42 U. S. C. 3796jj.

OBJECTIVES: To research the effects of stress on law enforcement personnel and their families and disseminate the findings; identify and evaluate model programs that provide support services to law enforcement personnel and families; provide technical assistance and training programs to develop stress-reduction and family support programs to State and local law enforcement agencies; collect and disseminate information regarding family-support, stress-reduction, and psychological services to State and local law enforcement organizations and other interested parties; determine issues to be researched by the Department of Justice and grant recipients.

USES AND USE RESTRICTIONS: Law Enforcement Family Support funds may be used by State or local law enforcement agencies or police unions to demonstrate innovative techniques or to provide training for reducing stress in law enforcement organizations or experienced by law enforcement officers and/or their families.

Matching Requirements: The Federal share of a funded project may not exceed 50 percent of the total project costs.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: State and local law enforcement agencies and organizations representing State or local law enforcement personnel including National, State, or local labor unions or associations representing commissioned State or local law enforcement (but not reserve or correctional) officers in contract negotiations or other employment matters in one or more law enforcement agencies may submit proposals. Other organizations such as universities, colleges, independent research enterprises, professional associations, hospitals, health care clinics, and counseling or other treatment service providers among others, while not eligible to submit proposals, may provide technical assistance in either a consulting or sub-contracting capacity to the applicant.

Beneficiary Eligibility: State and local law enforcement agencies and organizations representing State or local law enforcement personnel including National, State, or local labor unions or associations representing commissioned State or local law enforcement (but not reserve or correctional) officers in contract negotiations or other employment matters in one or more law enforcement agencies may submit proposals. Other organizations such as universities, colleges, independent research enterprises, professional associations, hospitals, health care clinics, and counseling or other treatment service providers among others, while not eligible to submit proposals, may provide technical assistance in either a consulting or sub-contracting capacity to the applicant.

Credentials/Documentation: The applicant must submit a completed Application for Federal Assistance (Standard Form 424), including signed assurances that it will comply with statutory and administrative requirements. The applicant is also required to submit a proposal describing the program for which funds are sought and explaining how it will advance knowledge and/or the state of the art of practice in reducing stress for law enforcement officers and their families.

BUREAU OF JUSTICE ASSISTANCE

16.571 Public Safety Officers' Benefits Program

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3796.

OBJECTIVES: To provide an approximate death benefit of \$140,000 with an annual increase based on the CPI. to the eligible survivors of Federal, State or local public safety officers whose death is the direct and proximate result of a personal (traumatic) injury sustained in the line of duty. Beginning on October 1, 1988 and on each October 1st thereafter, the benefit will be adjusted by the percentage of change in the Consumer Price Index during the previous year. Effective November 29, 1990, the Act also provides the same benefit to a public safety officer who has been permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty. The injury must permanently prevent the officer from performing any gainful work.

USES AND USE RESTRICTIONS: There are no restrictions as to how the monies are spent by the recipient with the exception that monies paid on behalf of minor children must be used for their care and benefit.

Formula and Matching Requirements: None.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: To provide a \$138,461 death benefit to the eligible survivors of Federal, State or local public safety officers, or a \$138,461 disability benefit to the Federal, State or local public safety officer, whose permanent and total disability is the direct and proximate result of a catastrophic personal injury sustained in the line of duty. A public safety officer is a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter or member of a public rescue squad or ambulance crew. Law enforcement officers include but are not limited to police, corrections, probation, parole and judicial officers. Volunteer firefighters and members of volunteer rescue squads and ambulance crews are covered if they are officially recognized or designated members of legally organized volunteer fire, rescue or ambulance departments.

Disabled public safety officers and eligible survivors of deceased public safety officers in the District of Columbia, Puerto Rico, Guam, Virgin Islands, American Samoa, the Pacific Trust Territories and the Northern Mariana Islands are also entitled to benefits under the Act. Death benefit coverage for:

- (1) State and local law enforcement officers and firefighters applies to deaths occurring on or after September 29, 1976;
- (2) Federal law enforcement officers and firefighters applies to deaths occurring on or after October 12, 1984;
- (3) Federal, State and local rescue squad and ambulance crew members applies to death occurring on or after October 15, 1986. Disability benefit coverage for Federal, State and local law enforcement officers, firefighters and members of public rescue squads and ambulance crews applies to injuries sustained on or after November 29, 1990.

Beneficiary Eligibility: The spouse and children of the public safety officer are eligible survivors. The parents of the public safety officer become eligible if the public safety officer is not survived by a spouse or children. Children include any natural, out of wedlock, adopted or posthumous child, or stepchild who is 18 years old or younger. Children over 18 may be eligible if they are full-time students or incapable of self-support.

Credentials/Documentation: Claim forms entitled "Claim for Death Benefits" and "Report of Public Safety Officers' Death" or "Report of Public Safety Officer's Permanent and Total Disability," and supporting family, medical and investigative documentation. This program is excluded from coverage under OMB Circular No. A-87.

16.572 State Criminal Alien Assistance Program (SCAAP)

AUTHORIZATION: Fiscal Year 1996 Omnibus Appropriations Act, Public Law 104-134; Immigration and Naturalization Act, Section 242, 8 U.S.C. 1252, as amended; Violent Crime Control and Law Enforcement Act of 1994, Title II, Subtitle C, Section 20301, Public Law 103-322, as amended, codified at 8 U.S.C. § 1251(i).

OBJECTIVES: To provide Federal assistance to States and localities for costs incurred for the imprisonment of undocumented criminal aliens who are convicted of felony offenses or two or more misdemeanors. Additionally, to better identify undocumented criminal aliens and to expedite the process of transferring illegal aliens from State and local correctional institutions to Federal custody in preparation for deportation.

USES AND USE RESTRICTIONS: There are no restrictions on or prescribed use of funds. Funds derived from these awards are available to the recipients or the recipients jurisdictions to utilize as they see fit. Essentially, as this is reimbursement, they need not be used for correctional purposes or even criminal justice purposes, but may revert to the State general fund. This is governed by State law or is at the option of the chief executive of the applicant jurisdiction. All that BJA requires is the expeditious draw-down of the awarded funds, retention of records for the required audit period (3 years), and provision of a final Financial Status Report Form (SF-269A) to allow orderly closeout of the grant.

Formula and Matching Requirements: This program has no statutory formula. Awards are based on the verified number of aliens incarcerated by each applicant and will be calculated by multiplying the number of reimbursable aliens (as determined by INS) times average length of incarceration times average daily cost of incarceration. Average length of incarceration is either based on the average of actual time served by individual inmates or the national average as specified by BJA (i.e., 366 days for States or 152 days for local jurisdictions). Total claims for all applicants will be divided into the available appropriation and each applicant will receive an equivalent percentage payout ("cents on the dollar"). As this amount is NOT expected to meet all claims, each applicant will receive only partial reimbursement of their total request.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands and localities or local jurisdictions exercising authority with respect to the incarceration of an undocumented criminal alien. This would cover State prison facilities (including those housing juveniles if they are convicted of felony offenses and, beginning FY 97, two or more misdemeanors) and local jails, whether run by counties or cities. Applicants are generally State Departments of Corrections and local sheriffs or city jail administrators, pursuant to designation authority to receive the grant from the chief executive of the political entity, e.g., Governor, County Executive, Mayor or City Manager. Note: Only one application is accepted from each separate political division (i.e., State, county, city).

Beneficiary Eligibility: States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands and localities or local jurisdictions.

Credentials/Documentation: Each applicant, by completing and submitting the scannable application form, which replaces the Federal Standard Form 424, the authorized official is certifying compliance with all SCAAP requirements as outlined in the SCAAP Guidance and Application Kit, including that: the applicant has been designated by the chief executive of the applicable unit of government to be the recipient of the Federal award; the inmate identifiers required have been submitted to BJA in the proper form for verification purposes within the prescribed deadlines; all inmates counted by the applicant have been convicted of an offense which is considered a felony under the applicant's law, and have been sentenced to some period of incarceration, beginning in FY 1997 inmates who have been convicted of two or more misdemeanors will be included; and, only routine operating costs were included in the calculations underlying the average inmate cost per year figures.

Along with the scannable application form, applicants must submit Assurances, OJP Form 4000/3 and Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements, OJP Form 4061/6. If there are lobbying activities, applicants must submit the Disclosure Form to Report Lobbying, Standard Form - LLL. Applicants must also submit an inmate data diskette

containing the proper inmate identifiers in the prescribed format by the deadline; the submission of the diskette is required prior to the submission of the application.

16.577 Emergency Federal Law Enforcement Assistance

AUTHORIZATION: Justice Assistance Act of 1984, Title II, Chapter VI, Public Law 98-473, 98 Stat. 1837, Section 609, October 12, 1984.

OBJECTIVES: To provide necessary assistance to (and/or) a State government to provide an adequate response to an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which State and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law.

USES AND USE RESTRICTIONS: Funds are made available to assist State and/or local units of government which are experiencing law enforcement emergencies, to respond to those emergencies through the provision of Federal law enforcement assistance.

ELIGIBILITY REQUIREMENTS

Applicant Eligibility: All States and the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands and the Northern Mariana Islands.

Beneficiary Eligibility: States (on behalf of itself or a local unit of government).

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

16.578 Federal Surplus Property Transfer Program

AUTHORIZATION: The 1998 Justice Appropriations Act, Pub. L. 105-119, 111 Stat. 2440 (1997), 40 U.S.C. § 484(p)(1)(A), (B)(I)(i)

OBJECTIVES: To transfer or convey to State and local governments and territories, at no cost, surplus real and related personal property determined by the Attorney General to be required for law enforcement purposes, for correctional facility use, for programs or projects for the care or rehabilitation of criminal offenders, as approved by the Attorney General.

USES AND USE RESTRICTIONS: Assistance is strictly for law enforcement or for correctional uses.

Formula and Matching Requirements: None.

ELIGIBILITY REQUIREMENTS

Applicant Eligibility: States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof.

Beneficiary Eligibility: Eligible recipients are State, local and territorial governments, proposing to use the property for law enforcement purposes or for correctional facility uses, that care for or rehabilitate criminal offenders.

Credentials/Documentation: None.

16.579 Byrne Formula Grant Program

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, as amended, Title I; codified as amended at 42 U.S.C. 3750.

OBJECTIVES: To reduce and prevent illegal drug activity, crime, and violence and to improve the functioning of the criminal justice system.

USES AND USE RESTRICTIONS: Funds may be used to provide additional personnel, equipment, facilities (including upgraded and additional Law Enforcement Crime Laboratories), personnel training and equipment for more widespread apprehension, prosecution and adjudication of persons who violate State and local laws relating to the production, possession and transfer of Controlled Substances and to improve the Criminal Justice System. Outlined in the Act are other specific purposes for which funds can be used. The Act restricts the use of these funds for supplanting State and local funds and land acquisition.

Formula and Matching Requirements: Each participant State will receive a base amount of \$500,000 or .25 percent of the amount available for the program, whichever is greater, with the remaining funds allocated to each State on the basis of the State's relative share of total U.S. population. If a State elects not to participate, all funds may be awarded directly to local units of government and combinations of units of local governments within the State. (a) Funds from the Act may be used to pay up to 75 percent of the cost of a program or project. The remaining nonfederal share will be provided in cash. Match for the formula grant programs will be provided for on a project-by-project basis, state-wide basis, unit-of-government basis, or a combination of the above. Requests will be contained in the application. (b) Funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any program or project described in the Act shall be 100 percent of such costs.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: All States, the District of Columbia, Guam, American Samoa, the Commonwealths of Puerto Rico, Virgin Islands and Northern Mariana Islands.

Beneficiary Eligibility: State and units of local governments.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

16.580 Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program (Discretionary Drug and Criminal Justice Assistance Program)

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, as amended, Title I; codified as amended at 42 U.S.C. 3750-3766b.

OBJECTIVES: To provide leadership and direction in controlling the use and availability of illegal drugs and to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders. Programs are announced in the Federal Register each year. Programs for FY 1997 will demonstrate innovative, comprehensive, and integrated multi-agency approaches to violent crime control and community mobilization programs.

USES AND USE RESTRICTIONS: Discretionary Grant funds provide Federal financial assistance to public or private agencies and private nonprofit organizations for the purposes of: undertaking education and training programs for criminal justice personnel; providing technical assistance to State and local units of government; undertaking projects that are national or multijurisdictional in scope and that address the purpose areas authorized by the Act; and providing financial assistance to public agencies and private nonprofit organizations for demonstration programs that in view of previous research or experience, are likely to be a success in more than one jurisdiction. Funds may also be used to provide assistance to or enter into contracts with non-Federal

public or private agencies, institutions, organizations, or individuals to carry out the legislatively authorized purposes under the formula program or to provide a firearm safety program. Such funds may not be used to advocate or promote gun control. The Act restricts the use of these funds for supplanting of State and local funds, land acquisition or construction projects.

Matching Requirements: Grants may be made for amounts up to 100 per centum of the costs of the programs or projects contained in the approved applications.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: State and local government agencies as well as public and private nonprofit organizations and federally recognized Indian Tribal governments are eligible to apply for and receive funds under this program.

Beneficiary Eligibility: State and local governments, public and private organizations and Indian Tribal governments.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

Regional Information Sharing Systems Grants (RISS)

The Bureau of Justice Assistance makes awards with designated regional recipients to support criminal justice organizations by identifying and targeting criminal conspiracies and activities spanning jurisdictional boundaries.

16.592 Local Law Enforcement Block Grants Program

AUTHORIZATION: Local Law Enforcement Block Grants Act of 1995, H.R. 728; Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1998, Public Law 105-119, III Stat. 2440, 2452.

OBJECTIVES: To provide funds to units of local government for the purposes of reducing crime and improving public safety. Funds may be used for one or more of seven program purpose areas. Funds or a portion of funds allocated under this title may also be used to contract with private, nonprofit entities or community-based organizations to carry out the purposes of this Block Grants Program. BJA will also make awards to States based on the allocation formula specified in the legislation.

USES AND USE RESTRICTIONS: Funds may be used for one or more of the following purpose areas:

- (1) Law enforcement support for hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel; paying overtime to presently employed law enforcement officers and necessary support personnel; and procuring equipment, technology, and other material directly related to basic law enforcement functions;
- (2) Enhancing security measures in and around schools, and in and around any other facility or location that the unit of local government considers a special risk for incidents of crime;
- (3) Establishing or supporting drug courts;
- (4) Enhancing the adjudication of cases involving violent offenders, including cases involving violent juvenile offenders. For the purposes of this program, violent offender means a person charged with committing a Part I violent crime under the Uniform Crime Reports;
- (5) Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government; this task force will work with Federal law enforcement officials to prevent and control crime;

(6) Establishing crime prevention programs involving cooperation between community residents and law enforcement personnel to control, detect, or investigate crime or the prosecution of criminals; and

(7) Defraying the cost of indemnification insurance for law enforcement officers. Units of local government may not expend funds provided under the Block Grants Program to purchase, lease, rent, or acquire any of the following: tanks or armored vehicles; fixed-wing aircraft; limousines; real estate; yachts; consultants; and vehicles not primarily used for law enforcement. In addition, Federal funds cannot be used to supplant State or local funds, but instead to increase the amount of funds that would be available otherwise from State and local sources.

Formula and Matching Requirements: The Federal funds provided under a grant for the Block Grants Program may not exceed 90 percent of the total costs of a program. The applicant's matching share must be in the form of cash.

The matching requirement is only applicable to the amount of the Federal award, not any interest or income derived therefrom. The applicant must certify as part of its application that the funds required to pay the non-Federal portion of the cost of each program will be made available for expenditure during the grant period. This certification is made by including the total match amount on the application form and signing the certified assurances document. Regardless of the source of match, it must be expended during the period of the Block Grant. All grantees must maintain records that clearly show the source, the amount, and the timing of all matching contributions.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Funding under this program is available to units of local government within a State. A unit of local government is a town or township, village, city, or county or recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers. Each unit of local government must report Uniform Crime Report (UCR) data so as to determine amounts of allocation. These data must reflect Part I violent crimes, which are murder, aggravated assault, rape, and robbery, that have been committed in each eligible jurisdiction.

The three most recent available calendar years will be used. The amount of the award is proportionate to each local jurisdiction's average annual amount of Part I violent crimes compared to that for all other local jurisdictions in the State. Further, for the purposes of this Block Grants Program the Commonwealth of Puerto Rico shall be considered a unit of local government as well as a State. In addition, each State will receive a minimum award of 0.25 percent of the total amount available for formula distribution under the Block Grants Program.

Beneficiary Eligibility: States, units of local government, and U.S. Territories.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

16.597 Motor Vehicle Theft Protection Act Program (Watch Your Car)

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, Title XXII, Public Law 103-322, 42 U.S.C 14171 et. seq.

USES AND USE RESTRICTIONS: Federal grant funds may be used for the printing or purchase and distribution of decals, registration and consent forms, public information materials and awareness campaigns, training programs for law enforcement personnel, registration campaigns, equipment such as audio/visual aids and exhibits, administrative costs, upgrading of computer databases, additional personnel, travel expenses, and overtime for Watch Your Car activities. No funds shall be used for land acquisition nor may funds be used to supplant State or local funds that would otherwise be made available for such purposes.

Matching Requirements: Grants will be made for amounts up to 100 percent of the costs of the program or projects contained in the approved application. There is no cash match required of grant recipients.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: A State may apply on behalf of itself and its respective units of local government. If there is a lack of interest in conducting a statewide program, individual units of local government may apply on behalf of themselves. Applications are submitted by the point of contact of the State or unit of local government, in writing, and in accordance with established BJA application guidelines.

Beneficiary Eligibility: States or local units of government may apply.

Credentials/Documentation: Applicants should submit the original copy of the Standard Form 424, signed by the project point of contact to the Director of the Bureau of Justice Assistance, U.S. Department of Justice, 810 Seventh Street, N.W., Washington, D.C. 20531. Applicants should submit a complete line item budget and accompanying detailed budget narrative that explains all costs for which Watch Your Car funding is requested and provides sufficient information to document how costs were derived. Finally, applicants should develop an implementation plan to identify the steps they will take to implement the program along with a schedule for the completion of each step.

16.598 State Identification Systems (SIS) Grant Program

AUTHORIZATION: Anti-Terrorism and Effective Death Penalty Act of 1996, Public Law 104-132 Section 811(c)(3).

OBJECTIVES: Provides Federal assistance to States to establish, develop, update, or upgrade:

- 1) computerized identification systems that are compatible and integrated with the database of the National Crime Information Center (NCIC) at the FBI;
- 2) the capability to analyze deoxyribonucleic acid (DNA) in a forensic laboratory in ways that are compatible with the combined DNA Identification Systems (CODIS) of the FBI; and
- 3) automated fingerprint identification systems that are compatible and integrated with the Integrated Automation Fingerprint Identification System (IAFIS) of the FBI.

USES AND USE RESTRICTIONS: In general, expenditures for this grant program may include equipment, supplies, training, contractor-provided services to address backlog or program implementation issues, State and local personnel expenses, and other expenses deemed reasonable and necessary for a qualifying project. The Federal share of funds may cover 100% of the total cost of the project described in the application. States may use grant funds in conjunction with local government agencies or other States in any combination. States receiving funding under the SIS grant program however, are not required to pass through funding to local agencies. Additionally, a State may enter into a compact(s) with another State(s) to carry out the grants.

Matching Requirements: The Federal share of funds for the SIS grant program may cover 100% of the total cost of the project described in the application.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: To be eligible to receive a grant under this program, a State shall require that each person convicted of a felony of a sexual nature provide to appropriate State law enforcement officials, as designated by the chief executive officer of the State, a sample of blood, saliva, or other specimen necessary to conduct a DNA analysis consistent with the standards established for DNA testing by the FBI Director

The Governor shall designate a State agency to administer these funds. The designated State agency will be responsible for submitting the State's application, selecting subrecipients to receive funds, disbursing funds, and performing other administrative functions.

For purposes of the SIS grant program, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For purposes of the allocations made under the SIS grant program, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and for these purposes, 67 percent of the amount allocated shall be allocated to American Samoa and 33 percent to the Commonwealth of the Northern Mariana Islands. Any grant funds which cannot be awarded this fiscal year will be carried forward to the next fiscal year and added to the amount appropriated by Congress for the grant program.

Beneficiary Eligibility: States, units of local government, and U.S. Territories.

Credentials/Documentation: Cost will be determined in accordance with OMB Circular No. A-87 for State and local governments.

The Bulletproof Vest Partnership Grant

AUTHORIZATION: The Bulletproof Vest Partnership Grant Act of 1998, 42 U.S.C. § 37961 et seq. of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

OFFICE FOR VICTIMS OF CRIME

16.575 Crime Victim Assistance

AUTHORIZATION: Victims of Crime Act of 1984 (VOCA), as amended, Public Law 98-473, Chapter XIV, 42 U.S.C. 10601, et seq., Section 1402, Section 1404; Children's Justice and Assistance Act of 1986, as amended, Public Law 99-401, Section 102(5)(b)(a)(ii); Anti-Drug Abuse Act of 1988, Title VII, Subtitle D, Public Law 100-690; Crime Control Act of 1990, Public Law 101-647; Federal Courts Administration Act of 1992, Public Law 102-572; Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1994; Violent Crime Control and Law Enforcement Act of 1994, Subtitle C, Public Law 104-132; Anti-Terrorism and Effective Death Penalty Act of 1996.

OBJECTIVES: The first \$6,200,000 deposited in the Crime Victims fund in each of the fiscal years 1992 through 1995 and the first \$3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under Section 3611 and 3612 of Title 18, United States Code. The next \$10,000,000 deposited in the fund shall be available for grants under Section 1404A. Of the remaining amount deposited in the fund in a particular year, 48.5 percent shall be available for grants under 1404 (a). Three percent shall be available for grants under 1404 (c).

Under Section 1404B, the OVC Director may make supplemental grants to States for providing compensation and assistance to residents, who while outside of the U.S. become victim of a terrorist act or mass violence; eligible State compensation and assistance programs to provide emergency relief, including crisis assistance, training, technical assistance for the benefit of victims of terrorist acts or mass violence occurring within the U.S.; and to U.S. Attorney's Offices for use in coordination with State victim compensation and assistance efforts in providing services to victims of terrorist acts or mass violence occurring within the U.S.

Under Section 1402 the Director of OVC may retain funds in an emergency reserve fund in excess of 110% of the total amount deposited in the Crime Victims Fund during the preceding fiscal year, up to \$50 million to supplement the above grants and to supplement victim compensation and assistance programs in years the Fund decreases and additional monies are needed to support State programs. A primary purpose of this program is to stimulate State participation and support for victim services programs and promote victim cooperation with law enforcement, in addition to the direct benefit to crime victims with Federal assistance monies.

USES AND USE RESTRICTIONS: Funds under this program shall be used by States and territories to provide direct services to crime victims with the following exception: States may retain up to 5 percent of their grant for administrative purposes. The base amount of grants under this program shall be \$500,000 to each State, the American Samoas, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands. That portion of the then remaining funds will be divided among all States or territories according to population (U.S. Census Bureau). If the amount available for grants under this program is insufficient to provide \$500,000 to each State, the base amount available shall be distributed equally among the States and territories. A victim assistance program is an eligible crime victim assistance program under VOCA if it:

(A) is operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;

(B) demonstrates (i) a record of providing effective services to victims of crime and (ii) substantial financial support from nonfederal sources;

(C) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;

(D) promotes within the community served coordinated public and private efforts to aid crime victims; and

(E) assists potential recipients in seeking crime victim compensation benefits.

An eligible crime victim assistance program shall expend sums received under subsection (a) only for providing direct services to victims of crime. The chief executive of each State shall (A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse, and to programs serving previously underserved victims of violent crime, as determined by the State, (B) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and provide such other information and assurances related to the purposes of this section as the Director may reasonably require.

As used in this program, (1) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and (2) the term "services to victims of crime" includes (a) crisis intervention services to provide emotional support in cases arising from the occurrence of crime; (b) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures; assistance in participating in criminal justice proceedings; and (d) payment of all reasonable costs for a forensic medical examination of sexual assault victims, to the extent that such costs are otherwise not reimbursed or paid; (3) the term "chief executive" includes a person designated by the governor to perform the functions of the chief executive under this section.

Formula and Matching Requirements: Awards will be made on the basis of population with a base amount of \$500,000. Fund availability may necessitate a base change. There are no matching requirements for discretionary or state formula grantees.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Any State, the District of Columbia, all Commonwealths and any other territory or possession of the United States are eligible. Funds will be subgranted to eligible public and nonprofit organizations or combinations of such agencies or organizations or of both such agencies and organizations, who provide direct services to victims of crime.

Beneficiary Eligibility: Any member of the general public who has been a victim of a crime or those who are survivors of victims of crime.

Credentials/Documentation: Applications from the designated State agency for this program must be submitted on Standard Form 424 at a time specified by the Office for Victims of Crime, Office of Justice Programs. The State grant applicant, by completing the grant application, and by receiving a VOCA victim assistance grant award, certifies:

- (1) that funds awarded to eligible crime victim assistance programs will not be utilized to supplant State and/or local funds that would otherwise be available for crime victim assistance;
- (2) that the State will provide such accounting, auditing, monitoring and evaluation procedures as may be necessary, and keep such records as the Office of Justice Programs may prescribe, to assure fiscal control, proper management and efficient disbursement of Federal funds;
- (3) that the State shall give priority to programs aiding victims of sexual assault, spousal abuse, or child abuse, and to programs serving previously underserved victims of violent crimes as determined by the State;
- (4) that the State will submit to the Office of Justice Programs Subgrant Award Reports and Performance Reports concerning the activities carried out with the Federal funds received and will maintain and report such data and information as required;
- (5) that the State will adhere to the audit and financial management requirements set forth in the effective edition of the OJP Financial Guide;
- (6) that the State will comply with all applicable Federal nondiscrimination requirements;
- (7) that the information in the application is correct; and, that the State will comply with all applicable provisions of the Victims of Crime Act and other Federal laws, regulations, and circulars. Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

16.576 Crime Victim Compensation

AUTHORIZATION: Victims of Crime Act of 1984 (VOCA), as amended, Public Law 98-473, Chapter XIV, 42 U.S.C. 10601, et seq., Section 1402, Section 1403; Children's Justice and Assistance Act of 1986, as amended, Public Law 99-401, Section 101 (5)(b)(A)(I); Anti-Drug Abuse Act of 1988, Title VII, Subtitle D, Public Law 100-690; Crime Control Act of 1990, Public Law 101-647, Title V, Section 504 and 505; Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1994; Violent Crime Control and Law Enforcement Act of 1994, Subtitle C, Public Law 104-132; Anti-Terrorism and Effective Death Penalty Act of 1996.

OBJECTIVES: The first \$6,200,000 deposited in the Crime Victims fund in each of the fiscal years 1992 through 1995 and \$3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under Section 3611 of Title 18, United States Code. The next \$10,000,000 deposited into the fund shall be available for grants under Section 1404A. Of the remaining amount deposited into the fund in a particular fiscal year, 48.5 percent shall be available for grants under Section 1403 Crime Victim Compensation Formula Grants.

USES AND USE RESTRICTIONS: Funds under this program shall be used by the States for awards of compensation benefits to crime victims, with the following exception: States may retain up to 5 percent of their total grant for administrative purposes. As provided in VOCA, formula grant funds to an eligible State crime victim compensation program is based on 40 percent of the amounts States expended during the fiscal year preceding the year of collections for the Crime Victims Fund, other than amounts awarded for property damage. If the sums available in the Fund for grants under this program are insufficient to provide grants of 40 percent as provided above, grants from the sums available will be made to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such programs during the preceding fiscal year, other than amounts awarded for property damage. A crime victim compensation program is an eligible crime victim compensation program if:

- (1) such program is operated by a State and offers compensation to victims and survivors of criminal violence, including drunk driving and domestic violence for: (A) medical expenses attributable to a physical injury resulting from a compensable crime, including expenses for mental health counseling and care; (B) loss of wages attributable to a physical injury resulting from a compensable crime; and funeral expenses attributable to a death resulting from a compensable crime;

- (2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;
- (3) such State, possession or territory certifies that grants received under this program will not be used to supplant funds otherwise available to provide crime victim compensation;
- (4) such program, as to compensable crime occurring within the State, possession or territory, makes compensation awards to victims who are nonresidents of the State, possession or territory on the basis of the same criteria used to make awards to victims who are residents of the State, possession or territory;
- (5) such program provides compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to State crimes;
- (6) such program provides compensation to residents of the State who are victims of crimes occurring outside the State if (A) the crimes would be compensable crimes had they occurred inside the State and (B) the places the crimes occurred in are outside the U.S. (If compensable crime is terrorism), or are states not having eligible crime victim compensation programs or;
- (7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender;
- (8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense; and
- (9) such program provides such other information and assurances related to the purposes of this section as the Director may reasonably require. Section 1403(c), any amount of crime victim compensation that the applicant receives through a crime victims compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.

As used in this section--(1) the term "property damage" does not include damage to prosthetic devices, eyeglasses or other corrective lenses, or dental devices; (2) the term "medical expenses" includes, to the extent provided under the eligible crime victim compensation program, expenses for eyeglasses and other corrective lenses, for dental services and devices and prosthetic devices, and for services rendered in accordance with a method of healing recognized by the law of the State; (3) the term "compensable crime" means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program, and includes driving while intoxicated and domestic violence; and (4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession of the United States.

Formula and Matching Requirements Formula based on 40 percent of the amounts awarded by the State from State funding sources during the preceding fiscal year, other than amounts awarded for property damage.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: States, the District of Columbia, the Commonwealth of Puerto Rico and any other possession or territory of the United States who have an established eligible crime victim compensation program, and who meet the eligibility requirements discussed above.

Beneficiary Eligibility: Victims of crime that results in death or physical or personal injury and are determined eligible under the State victim compensation statute. State compensation statutes either declare that coverage extends generally to any crime resulting in physical or personal injury, or they list all specific crimes that can be covered.

Credentials/Documentation For fiscal year 1997, the Governor designated State agency is required to submit the following information and assurance along with the application for assistance:

- (1) a statement certified by the individual designated by the Governor to administer the VOCA crime victims compensation grant. This statement should specify the total amount of money spent by the program from State funding sources for crime victim compensation awards in the Federal fiscal year October 1, 1995 - September 30, 1996;
- (2) the amount of such compensation paid for "property damage";
- (3) the total amount and each source of revenue for the program in fiscal year 1996;
- (4) a copy of the State statute or other legal authority establishing the program and any amendments thereto, and
- (5) an assurance that funds received under the Act will not be used to supplant State funds otherwise available for crime victim compensation. Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.

16.582 Crime Victim Assistance/Discretionary Grants

AUTHORIZATION: Victims of Crime Act of 1984 (VOCA), as amended, Public Law 98-473; Children's Justice and Assistance Act of 1986, as amended, Public Law 99-401, Section 1404; Anti-Drug Abuse Act of 1988, Public Law 100-690, Title VII, Subtitle D; Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1995; Violent Crime Control and Law Enforcement Act of 1994, Subtitle C, Public Law 104-132; Anti-Terrorism and Effective Death Penalty Act of 1996.

OBJECTIVES: Three percent of the amount above the first 13 million deposited into the Crime Victims Fund is statutorily reserved by the Office for Victims of Crime for grants for (a) demonstration projects and training and technical assistance services to eligible crime victims assistance programs; and (b) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs, 42 U.S.C. Section 10603. The purpose of the demonstration and training and technical assistance grants is to improve the overall quality of services delivered to crime victims through the provision of training and technical assistance to providers. Additionally, the funds are designed to improve the Federal and State response to victims of Federal crime. Of the amount available for training and technical assistance and services to victims of Federal crimes, not more than 50 percent shall be used for demonstration programs and training and technical assistance, and not less than 50 percent for services to victims of Federal crimes.

USES AND USE RESTRICTIONS: Funds are available specifically for:

- (1) demonstration projects and training and technical assistance service to eligible crime victim assistance programs; and
- (2) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs. For the purpose of these grants an eligible crime victim assistance program is defined as: (a) operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or both such agencies and organizations, and providing service to victims of crime; (b) demonstrating (i) a record of providing effective services to victims of crime and financial support from sources other than the Fund; or (ii) substantial financial support from sources other than the Fund; (c) utilizing volunteers in providing such services, unless to the extent the chief executive determines that compelling reasons exist to waive this requirement; (d) promoting within the community served coordinated public and private efforts to the crime victims; and (e) assisting potential recipients in seeking crime victim compensation benefits.

For the purpose of these grants, services to victims of Federal crimes means: services to victims of crime with respect to Federal crime, and includes (a) training of law enforcement personnel in the delivery of services to victims of Federal crime; (b) preparation, publication, and distribution of informational materials, setting forth services offered to victims of crime; and concerning services for victims of Federal crime for use by Federal law

enforcement and other responsible Federal officials; and (c) salaries of personnel who provide services to victims of crime, to the extent that these personnel provide such services.

Formula and Matching Requirements There are no formula or matching requirements.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Criteria will vary depending on the grant. Generally, eligible applicants may include States, United States Attorneys' offices, eligible victim service agencies, private nonprofit agencies, and Federal training centers.

Beneficiary Eligibility: Eligible victim assistance agencies. Eligibility depends on the nature of the grant but may include a wide variety of public and private nonprofit agencies.

Credentials/Documentation: Applications for this program must be on Standard Form 424 at a time specified by the Office for Victims of Crime, Office of Justice Programs and must contain the following certification and assurances:

(1) assure that the applicant will provide such accounting, auditing, monitoring and evaluation procedures as may be necessary, and keep such records as the Office of Justice Programs may prescribe, to assure fiscal control, proper management and efficient disbursement of Federal funds;

(2) assure that the applicant will adhere to the audit and financial management requirements set forth in the effective edition of the OJP Financial Guide;

(3) assure that the applicant will comply with all applicable nondiscrimination requirements;

(4) certify that the applicant will comply with certifications regarding Lobbying; Debarment, Suspension, and Drug-Free Workplace Requirements (OJP Form 4061/6); other responsibility matters; and,

(5) certify that the information in the application is correct and that the applicant will comply with all applicable provisions of the Victims of Crime Act and other Federal laws, (including subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990) regulations, and circulars.

Costs will be determined in accordance with OMB Circular No. A-87. Applicants from other types of agencies will use forms to be provided by OVC.

16.583 Children's Justice Act Discretionary Grants for Native Americans (Children's Justice Act for Native American Indian Tribes)

AUTHORIZATION: Victims of Crime Act of 1984 (VOCA), as amended, Public Law 98-473; Children's Justice and Assistance Act of 1986, Public Law 99-401, as amended; Anti-Drug Abuse Act of 1988, Public Law

100-690, Section 1402 (g)(L); Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1995; Violent Crime Control and Law Enforcement Act of 1994; Subtitle C, Public Law 104-132; Anti-Terrorism and Effective Death Penalty Act of 1996.

OBJECTIVES: Fifteen percent of the first \$10 million of funds from the Crime Victims Fund that are transferred to the Department of Health and Human Services as part of the Children's Justice Act are to be statutorily reserved by the Office for Victims of Crime (OVC) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim and improves the investigation and prosecution of cases of child abuse.

USES AND USE RESTRICTIONS: Funds are available specifically for the purpose of assisting Indian tribes in developing, establishing, and operating programs designed to improve (a) the handling of child abuse cases,

particularly cases of child sexual abuse, in a manner which limits additional trauma to the victim and (b) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

Formula and Matching Requirements There are no formula or matching requirements.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Federally recognized Indian tribal governments and nonprofit Indian organizations that provide services to Native Americans. Specific criteria will vary depending on the grant.

Beneficiary Eligibility: Native American youth who are victims of child abuse and/or child sexual abuse.

Credentials/Documentation: Applications must be on Standard Form 424 at a time specified by the Office for Victims of Crime, Office of Justice Programs and must:

- (1) contain OJP Form 4061/6 (Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements);
- (2) assure that the grantee will provide such accounting, auditing, monitoring and evaluation procedures as may be necessary, and keep such records as the Office of Justice Programs may prescribe, to assure fiscal control, proper management and efficient disbursement of Federal funds;
- (3) assure that the Grantee will submit to the Office of Justice Programs a semiannual performance report of data and information as required;
- (4) assure that the Grantee will adhere to the audit and financial management requirements set forth in the effective edition of the OJP Financial Guide, and
- (5) certify that the information in the application is correct and that the Grantee will comply with all applicable provisions of the Victims of Crime Act and other Federal laws, regulations, and circulars, including Subtitle A, Title II of the Americans With Disabilities Act (ADA) 1990.

CIVIL RIGHTS DIVISION

16.108 Americans With Disabilities Act Technical Assistance Program (ADA)

AUTHORIZATION: Americans with Disabilities Act, Public Law 101-336, Section 506.

OBJECTIVES: To ensure that public accommodations and commercial facilities and State and local governments learn of the requirements of Titles II and III of the Americans with Disabilities Act (ADA) and acquire the knowledge needed to comply with these requirements.

TYPES OF ASSISTANCE: Project Grants; Provision of Specialized Services; Dissemination of Technical Information.

USES AND USE RESTRICTIONS: Grants limited to the provision of technical assistance and educational activities that have a wide impact, including the development and dissemination of materials, the conduct of seminars, conferences, and training, and the provision of technical assistance on a state, regional or national basis depending on the funding priorities announced each year.

Matching Requirements: Not applicable.

Applicant Eligibility: Nonprofit organizations, including trade and professional associations or their subsidiaries, organizations representing State and local governments or their employees, other organizations representing

entities covered by the ADA, State and local governments agencies, national and State-based organizations representing persons with disabilities, and individuals.

Beneficiary Eligibility: The target audiences of funded grants will include State and local governments, businesses and nonprofit organizations that operate public accommodations and commercial facilities, and individuals with disabilities.

Credentials/Documentation: Not applicable.

16.110 Education and Enforcement of the Antidiscrimination Provision of the Immigration and Nationality Act

AUTHORIZATION: Immigration and Nationality Act, 8 U.S.C. 1324(b).

OBJECTIVES: To educate employers and workers about their rights and responsibilities under the Immigration and Nationality Act in order to prevent employment discrimination based on citizenship status or national origin.

TYPES OF ASSISTANCE: Project Grants; Provision of Specialized Services; Investigation of Complaints.

USES AND USE RESTRICTIONS: The antidiscrimination provision of the INA prohibits employment discrimination on the basis of national origin and citizenship status against citizens and certain classes of aliens. The Office of Special Counsel for Immigration Related Unfair Employment Practices was established to ensure that protected individuals and aliens authorized to work in the United States are not discriminated against with respect to hiring, firing or recruiting or referral for a fee based on their citizenship status or national origin. INA's prohibition against citizenship status discrimination covers only the following protected individuals:

- (1) citizens and nationals of the United States;
- (2) those lawfully admitted for permanent residence;
- (3) those granted temporary resident status under I RCA's amnesty program for aliens whoresided unlawfully in the United States since January 1, 1982;
- (4) those granted temporary resident status through the Special Agricultural Worker program (SAW) or the Replenishment Agricultural Worker program (RAW);
- (5) those admitted as refugees; and,
- (6) those granted asylum.

In a also makes it illegal for employers with four to 14 employees to discriminate, with respect to hiring, firing, or recruitment or referral for a fee, against any individual on the basis of his or her national origin. Employers with 15 or more employees are covered under Title VII of the Civil Rights Act of 1964. Please note that for national origin charges, the Office of Special Counsel for Immigration Related Unfair Employment Practices has jurisdiction over employers with between four and 14 employees. National origin charges againstan employer with 15 or more employees come under the jurisdiction of the Equal Employment Opportunity Commission (EEOC), which enforces Title VII of the Civil Rights Act of 1964.

There may be exceptions to this general rule, so charges incorrectly filed with this Office are automatically referred to the EEOC. All charges of citizenship status discrimination against employers with four or more employees should be filed with the Office of Special Counsel. In addition, under the document abuse provision of the law, employers must accept all forms of work authorization and proof of identity allowed by the Immigration and Naturalization Service (INS) for completion of the Employment Eligibility Verification (I-9) Form. Employers may not prefer or require one form of documentation over another for hiring purposes.

In addition, employers may not require more or different documents than authorized I-9 Form documents that on their face appear to be genuine. The goal of the grant program is to educate workers and employers about the antidiscrimination provision outlined above in order to reduce the incidents of employment discrimination through nonprofit, private groups and (if applicable) their sub-grantees.

Formula and Matching Requirements This program has no statutory formula.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Private, nonprofit institutions/organizations, local, regional or national ethnic and immigrants' rights advocacy organizations, trade associations industry groups, professional organizations, or other private nonprofit entities providing information and/or services to potential victims of discrimination and/or employers.

Beneficiary Eligibility: Minority groups, small businesses, agricultural producers, immigrants, Asians, Pacific Islanders, Latinos, contractors, industries, workers and employers.

Credentials/Documentation: Not applicable.

DRUG COURT PROGRAM OFFICE

16.585 Drug Court Discretionary Grant Program (Drug Court Program)

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, Title V, Public Law 103-322, 108 Stat. 1796, 42 U.S.C. 3796ii-3796ii-8; Omnibus Crime Control and Safe Streets Act of 1968.

OBJECTIVES: To support the establishment and development of drug courts. Three types of grants may be awarded: Planning Grants, Implementation Grants, and Improvement and Enhancement Grants. The Planning grants will be for those jurisdictions that are contemplating starting a drug court, that have not begun the planning process to ascertain the feasibility or necessity for a drug court program or the target population it should serve. The Implementation grants will support those jurisdictions that have already begun to develop a plan or have completed the planning process for establishing effective drug court and diversion to treatment programs. The Improvement and Enhancement grants will be made available to improve the delivery of services, or to enhance the existing drug court through additional services that will allow the existing drug court to more fully meet the goals of the Drug Court Program.

USES AND USE RESTRICTIONS: Allowable uses of funds are outlined in the Drug Court Program Guideline available from the Department of Justice Response Center. Programs under Title V will be for nonviolent adult and juvenile offenders, and will involve early and continuous judicial supervision over the nonviolent substance abusing offenders, and will require the integrated administration of sanctions and services including:

- (1) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation;
- (2) substance abuse treatment for each participant;
- (3) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements;
- (4) programmatic offender management and aftercare services.

Matching Requirements: The Federal share of a grant received under this subtitle may not exceed 75 percent of the total cost of an applicant's projected budget. The matching requirement is a 25 percent match provided by the applicant.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Grants can be given to States, State courts, local courts, units of local government and Indian tribal governments, acting directly or through agreements with other public or private entities.

Beneficiary Eligibility: States, local governments, Indian tribal governments, public or private entities.

Credentials/Documentation: The applicant must include Application for Federal Assistance (Standard Form 424) which shall include a detailed budget and budget narrative and a program narrative. Program narratives for the Planning Grants should include: a problem statement; a goal statement; clear identification of the relevant stakeholders and how these parties will participate in the planning process; and identification of related government and community initiatives which complement or will be coordinated with the proposed planning process.

Program narratives for Implementation Grants should include: problem statement; a goal statement; description of the method(s) that will be used to assign drug court cases to a supervising judicial official; identification of related governmental and community initiatives; identification of key decision makers who will participate in the planning and implementation process; description of the essential components of the treatment and rehabilitation program and how these elements will be coordinated and managed; assurance of willingness and interest to establish and implement a drug court program; statement expressing willingness of the grantee to participate in the national evaluation of funded programs; description of coordination and communication mechanisms; assurance of the applicant's capacity to gather and share information; demonstration of the capability to adequately manage program; and ability to fund the program adequately without federal assistance. Program narratives for Improvement and Enhancement Grants should include: the same sections required for Implementation Grants as well as historical statistical information; specific aspects of the existing program to be expanded/enhanced; detailed budget and justification for all costs; assurance that all treatment providers and programs are licensed, certified, or accredited; summary of changes made; assurance of plans to continue the expanded or enhanced level of service; and statement expressing willingness of the grantee to participate in the national evaluation of the programs funded under this initiative.

CORRECTIONS PROGRAM OFFICE

16.586 Violent Offender Incarceration and Truth in Sentencing Incentive Grants (Prison Grants)

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, Title II, Subtitle A, as amended, Public Law 103-322; 42 U.S.C., Section 13701 et seq.

OBJECTIVES: To provide funds to individual States and to States organized as regional compacts that seek to build or expand:

- 1) correctional facilities which will increase the bed capacity for the confinement of Part 1 violent offenders;
- 2) temporary or permanent correctional facilities, including facilities on military bases, prison barges and boot camps, for the confinement of nonviolent offenders for the purpose of freeing prison space for violent offenders; and
- 3) jails.

USES AND USE RESTRICTIONS: Grant funds may be used to build or expand permanent or temporary correctional facilities to increase bed space for the confinement of adult and juvenile violent offenders. Up to 15% of a State's formula grant may be awarded to counties and other units of local government to construct, develop, expand, modify or improve jails and other correctional facilities. Under exigent circumstances, funds may be used to increase capacity for the confinement of nonviolent juvenile offenders.

Matching Requirements: The Federal share of a grant-funded project may not exceed 90 percent of the total costs of the project. The 10 percent matching funds must be in the form of a cash match.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: States and States organized in multi-State compacts are eligible to apply. State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. Local units of government may apply to their States for grant funds, if the State is the recipient of a formula grant.

Beneficiary Eligibility: State and local correctional agencies.

Credentials/Documentation: The applicant must submit a completed Application for Federal Assistance (standard form 424), which shall include signed assurances that it will comply with statutory and administrative requirements. Applicants must also demonstrate compliance with the statutory requirements for the three Tiers of the Violent Offender Incarceration Program and the three Tiers for Truth In Sentencing to qualify for funding. States must also demonstrate an ability to operate facilities built with these funds and to recognize the rights of crime victims.

16.593 Residential Substance Abuse Treatment for State Prisoners (RSAT)

AUTHORIZATION: Omnibus Crime Control and Safe Streets Act of 1968, Title I, Section 1001, as amended, Public Law 90-351, 42 U.S.C. 3796ff, et seq.

OBJECTIVES: To assist States and units of local government in developing and implementing residential substance abuse treatment programs within State and local correctional facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment.

USES AND USE RESTRICTIONS: The Residential Substance Abuse Treatment formula grant funds may be used to implement residential substance abuse programs that provide individual and group treatment activities for offenders in residential facilities operated by State and local correctional agencies. These Treatment programs must:

- 1) last between 6 and 12 months;
- 2) be provided in residential treatment facilities where participating prisoners are set apart from the general correctional population;
- 3) focus on the substance abuse problems of the inmate; and
- 4) develop the inmate's cognitive, behavioral, social, vocational, and other skills. Grant funds shall not be used for land acquisition or construction projects.

USES AND USE RESTRICTIONS: Grant funds shall not be used for land acquisition or construction projects.

Formula and Matching Requirements: Grant funds are allocated to the States using the following formula: a) each participating State is allocated a base amount of 0.4 percent of the total funds available for the program; and b) the remaining funds are allocated to each participating State in the ratio its prison population bears to the total prison population of all participating States. The most recent National Prisoner Statistics collected by the Bureau of Justice Statistics will be used to make these allocations. The Federal share of a grant-funded project may not exceed 75 percent the total costs of the project. The 25 percent matching funds must be in the form of a cash match.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands are eligible to apply. The State Corrections Program office may award subgrants to State agencies and units of local government. Applicant States must agree to implement or continue to require urinalysis and/or other proven reliable forms of drug and alcohol testing of individuals assigned to residential substance abuse treatment programs in correctional facilities.

Beneficiary Eligibility: State and local correctional agencies.

Credentials/Documentation: The applicant must submit a completed Application for Federal Assistance (Standard Form 424), which shall include signed assurances that it will comply with statutory and administrative requirements. The applicant is also required to submit a program description that includes the goals of the program, the implementation process, timetable for implementation, program information how the State will coordinate substance abuse treatment activities at the State and local levels, and the State's law or policy requiring substance abuse testing of individuals in correctional residential substance abuse treatment programs.

16.594 Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, Title III, Subtitle V, Section 32201, as amended, Public Law 103-322, 42 U.S.C. 13911.

OBJECTIVES: To assist States, units of local government, and Indian tribal authorities in establishing and operating programs for the prevention, diagnosis, treatment, and follow-up care of tuberculosis among inmates of correctional institutions.

USES AND USE RESTRICTIONS: The Tuberculosis Prevention, Diagnosis, and Treatment grant funds may be used to assist State, tribal, and local correctional and public health authorities in establishing and operating programs for the prevention, diagnosis, treatment, and follow-up care of tuberculosis (TB) among inmates of correctional institutions.

Matching Requirements: The Federal share of a funded project may not exceed 50 percent of the total project costs.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: States, Indian tribal authorities, and local correctional and public health authorities.

Beneficiary Eligibility: States, Indian tribal authorities, and local correctional and public health authorities are eligible to apply.

Credentials/Documentation: The applicant must submit a completed Application for Federal Assistance (Standard Form 424), which shall include signed assurances that it will comply with statutory and administrative requirements. The applicant is also required to submit a description of the program, the implementation process, the timetable for implementation, and how the State will coordinate corrections and public health activities related to TB prevention, diagnosis and control at the State and local levels.

16.596 Correctional Grant Program for Indian Tribes

AUTHORIZATION: Omnibus Consolidated Rescissions and Appropriations Act of 1996, Section 114, Public Law 104-134; Violent Crime Control and Law Enforcement Act of 1994, Title II, Subtitle A, Public Law 103-322, 105 Stat. 1796, as amended, 42 U.S.C. Section 13701 et seq.

OBJECTIVES: To assist Indian tribes with the construction of jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

USES AND USE RESTRICTIONS: The Grant Program for Indian Tribes may be used to assist Indian tribes in developing or expanding jail facilities for both adult and juvenile offenders.

Matching Requirements: The Federal share of a grant-funded program may not exceed 90 percent of the total costs of the project.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Only Indian tribes may apply. An Indian tribe is defined as any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as an Indian tribe pursuant to Public Law 103-454, 108 Stat. 4791, and which performs law enforcement functions as determined by the Secretary of the Interior.

Beneficiary Eligibility: Indian tribes. An Indian tribe is defined as any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103-454, 108 Stat. 4791, and which performs law enforcement functions as determined by the Secretary of the Interior.

Credentials/Documentation: The applicant must submit a completed Application for Federal Assistance (Standard Form 424), which shall include signed assurances that it will comply with statutory and administrative requirements. The applicant is also required to submit a description of the program, the implementation process, and a timetable for implementation.

VIOLENCE AGAINST WOMEN GRANTS OFFICE

16.587 Violence Against Women Discretionary Grants for Indian Tribal Governments

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, codified at Sections 2001-6, 42 USC §3796gg-5 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

OBJECTIVES: To assist Indian tribal governments to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving crimes against women.

TYPES OF ASSISTANCE: Discretionary Grants

USES AND USE RESTRICTIONS: An Indian tribal government shall not be entitled to funds under this program unless it (or another governmental entity) incurs the full out of pocket costs of forensic medical examinations for victims of sexual assault. In addition, an Indian tribal government shall not be entitled to funds under this program unless it:

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender or the costs associated with the issuance or service of a warrant, protection order, and/or witness subpoena; or

(2) assures that its laws, policies, and practices will be in compliance with this requirement by September 13, 1996. Grants shall provide personnel, training, technical assistance, data collection and other equipment to enable widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women. Applicant Indian tribal governments that have law enforcement authority must certify that a minimum of 25 percent of the total grant award (75 percent total) will be allocated to each of the following areas: prosecution, law enforcement, and victim services. The requirement to allocate 25 percent to law enforcement and 25 percent to prosecution does not apply to Indian tribal governments that do not have law enforcement authority.

Matching Requirements: A grant made to an Indian tribal government under this program may not exceed 75 percent of the total cost of the projects described in the application. Applicants should submit a budget which includes the matching share and the source of matching contribution. An Indian tribal government may satisfy this 25 percent match through in-kind services, however, a cash match is encouraged. Indian tribal governments may meet the 25 percent matching requirement for this program by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. All funds designated as matching funds are restricted to the same uses as the Violence Against Women Program funds.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Indian tribal governments may make individual applications or apply as a consortium.

Beneficiary Eligibility: Indian tribal governments and nonprofit nongovernmental victim services programs.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments, and OMB Circular No. A-21 for Institution of Higher Education, and OMB Circular No. A-122 for Hospitals and Other Nonprofit Organizations

16.588 Formula Grants

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994; Omnibus Crime Control and Safe Streets Act of 1968, as amended, Sections 2001-6, 42 U.S.C. 3796gg to gg5.

OBJECTIVES: To assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving crimes against women.

USES AND USE RESTRICTIONS: A State, Indian tribal government, or unit of local government shall not be entitled to funds under this program unless the State, Indian tribal government, or another governmental entity incurs the full out-of-pocket cost of forensic medical examinations for victims of sexual assault. Further, a State, Indian Tribal government, or unit of local government shall not be entitled to funds under this program unless it:

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and/or witness subpoena; or

(2) assures that its laws, policies and practices will be in compliance with this requirement by the date on which the next session of the State legislature ends or September 13, 1996, whichever is later. Funds withheld from a State or unit of local government because it does not meet this requirement shall be distributed to other States or local units of government on a pro rata basis. Funds withheld from an Indian tribal government for this reason shall be distributed to other Indian tribal governments on a pro rata basis. Grants shall provide personnel, training, technical assistance, data collection and other equipment for widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women. States must certify that a minimum of 25 percent of each year's grant award (75 percent total) will be allocated to each of the following areas: prosecution, law enforcement, and victim services.

Matching Requirements: The Federal share of these grants may not exceed 75 percent of the total costs of the projects described in the applications. States may satisfy this 25 percent match through in-kind services. Indian tribes that are subgrantees of a State under this program may meet the 25 percent matching requirement for this program by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. All funds designated as match are restricted to the same uses as the Violence Against Women Program funds.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: All States, Commonwealths, territories and possessions of the United States, as well as the District of Columbia, are eligible. For the purposes of this program, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State, and, for these purposes, 67 percent of the amounts allocated shall be allocated to American Samoa and 33 percent to the Commonwealth of the Northern Mariana Islands. Funds will be subgranted to units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments.

Beneficiary Eligibility: State and local units of government, nonprofit nongovernmental victim services programs, and Indian tribal governments.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments, and OMB Circular No. A-21 for Institutions of Higher Education, Hospitals and OMB Circular No. A-122 for Other Nonprofit Organizations

16.589 Rural Domestic Violence and Child Victimization Enforcement Grant Program

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, Section 40295, 42 U.S.C. 13971; Omnibus Crime Control and Safe Streets Act of 1968, as amended.

OBJECTIVES: To implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse; provide treatment and counseling to victims of domestic violence and child victimization; and work in cooperation with the community to develop education and prevention strategies directed toward such issues.

USES AND USE RESTRICTIONS: Grants are available to States, Indian tribal governments, local governments of rural States, and other public or private entities of rural States. For the purposes of this grant program, a rural State is a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the decennial census of 1990 through fiscal year 1997. Nineteen States qualify as rural for the purposes of this grant program: Alaska, Arkansas, Arizona, Colorado, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, and Wyoming.

Matching Requirements: Grants will be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved applications. Match is not required for this grant program; however, applicants are encouraged to maximize the impact of Federal grant dollars by contributing to the costs of their projects. Supplemental contributions may be cash, in-kind services, or a combination of both.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: State agencies in rural States may apply for assistance for Statewide projects. Local units of government in rural States and public and private entities in rural States also may apply directly for assistance. Only State agencies in non-rural States may apply for funding assistance. These agencies may apply on behalf of one or more of their rural jurisdictions. Rural and/or non-rural States also may submit joint applications for projects that would be implemented in more than one State. Indian tribal governments may make individual applications or apply as a consortium. A tribal government also may apply for assistance on behalf of a non-tribal government organization.

Beneficiary Eligibility: Beneficiaries include criminal and tribal justice practitioners and service providers who respond to victims of violent crimes committed against women in rural jurisdictions and Indian country, and rural and tribal communities in general.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments, and OMB Circular No. A-21 for Institutions of Higher Education, Hospitals and OMB Circular No. A-122 for Other Nonprofit Organizations.

16.590 Grants to Encourage Arrest Policies

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 3796hh; Omnibus Crime Control and Safe Streets Act of 1968, Section 40152, as amended.

OBJECTIVES: To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations; to develop policies and training in police departments that will improve tracking of cases involving domestic violence; to centralize and coordinate police enforcement in groups or units of police officers, prosecutors or judges; to coordinate computer tracking systems to ensure communication between police, prosecutors, and criminal and family courts; to strengthen legal advocacy service programs for victims of domestic violence; and to educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

USES AND USE RESTRICTIONS: Grants are available to States, Indian tribal governments, and units of local governments to encourage them to treat domestic violence as a serious violation of criminal law.

Matching Requirements: Grants will be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved applications. Match is not required for this grant program; however, applicants are encouraged to maximize the impact of Federal dollars by contributing to the cost of the project. Supplemental contributions may be cash, in-kind services, or a combination of both.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Eligible grantees are States, Indian tribal governments, or units of local governments that;

(1) certify that their laws or official policies encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed, and encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(2) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order or witness subpoena.

Beneficiary Eligibility: Beneficiaries include criminal and tribal justice practitioners and service providers who respond to victims of violent crimes committed against women in rural jurisdictions and Indian country, and rural and tribal communities in general.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments, and OMB Circular No. A-21 for Institutions of Higher Education, Hospitals and OMB Circular No. A-122 for Other Nonprofit Organizations.

16.591 Managing Released Sex Offenders

AUTHORIZATION: Violent Crime Control and Law Enforcement Act of 1994, Section 40152, 42 U.S.C. 13941; Omnibus Crime Control and Safe Streets Act of 1968, as amended.

OBJECTIVES: To establish criteria and provide training and technical assistance on case management, supervision, and relapse prevention to assist probation and parole officers and other criminal justice practitioners who interact with released sex offenders.

USES AND USE RESTRICTIONS: One grant or cooperative agreement will be awarded to develop and deliver a national training and technical assistance program.

Matching Requirements: A grant will be made for up to 100 percent of the costs of the program or project contained in the approved application. Match is not required for this grant program; however, the applicant will be encouraged to maximize the impact of Federal dollars by contributing to the cost of the project. Supplemental contributions may be cash, in-kind services, or a combination of both.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: An agency or organization with the capacity to develop and deliver a national training and technical assistance program that has been invited to submit an application.

Beneficiary Eligibility: Beneficiaries include probation and parole officers and other criminal justice practitioners who interact with released sex offenders.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments, and OMB Circular No. A-21 for Institutions of Higher Education, Hospitals and OMB Circular No. A-122 for Other Nonprofit Organizations.

EXECUTIVE OFFICE OF WEED AND SEED

16.595 Executive Office for Weed and Seed (Weed and Seed Program)

AUTHORIZATION: Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1997, Public Law 104-208.

OBJECTIVES: The Program's objective is national implementation of Operation Weed and Seed. Operation Weed and Seed is a comprehensive, multi-disciplinary approach to combating violent crime, drug use, and gang activity in high crime neighborhoods. The goal is to identify drug activity in high crime neighborhoods, and "weed" out the criminal element, and to "seed" the sites with a wide range of crime and drug prevention programs, human service resources, and neighborhood restoration activities to prevent crime from reoccurring. The strategy emphasizes the importance of a coordinated approach, bringing together Federal, State and local government, the community, and the private sector to form a partnership to create a safe, drug-free environment.

USES AND USE RESTRICTIONS: Weed and Seed funding is for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy.

Matching Requirements: While there is currently no specified level of matching funds, the nature of the program anticipates significant contributions from the public and private sectors of participating local communities.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: The eligible applicant is a coalition of community residents, local, county, and State agencies, Federal agencies, and the private sector.

Beneficiary Eligibility: Communities in which there are: High incidence of violent crime; existing, workable community infrastructure; cooperative governmental partnerships; good cooperation between governmental,

private civic, and social service organizations; a cooperative business community; a strong U.S. Attorney Office; and a history of innovative programming at the local level. If a large city is being considered, the project site

should be a clearly, easily identifiable section of the metropolitan area. The strategy also seeks to encompass available funding from reprogrammable Federal program dollars and existing private/local matching funds.

Credentials/Documentation: An interested community should establish contact with the United States Attorney who convene a formal steering committee. The steering committee, through the guidance and facilitation of the United States Attorney, produces an implementation plan along the lines set forth in the Weed and Seed Implementation Manual.

OFFICE OF STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT

16.607 Office of State and Local Domestic Preparedness Support

AUTHORIZATION: Anti-Terrorism and Effective Death Penalty Act of 1996, Public Law 104-132, Section 819.

OBJECTIVES: To provide specialized training and equipment to assist States and localities in becoming fully prepared to respond to the increasing threat of terrorist incidents of mass destruction.

USES AND RESTRICTIONS: To enhance readiness and preparedness of first responders, including firefighters, emergency services personnel, law enforcement, bomb technicians, and other emergency services personnel to respond to terrorist incidents of mass destruction where incendiary devices, nuclear, biological or chemical agents are utilized. The primary recipients of grants for the acquisition of personnel protective gear and detection, decontamination, and communications equipment are the 157 largest cities and localities as well as the States.

Matching Requirements: None

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: U.S. Territories, States, Federally recognized Indian tribal governments, and units of local government.

Beneficiary Eligibility: Firefighters, emergency services personnel, law enforcement personnel, bomb technicians, and other emergency services personnel on the staff of an eligible applicant.

Credentials/Documentation: Cost will be determined in accordance with OMB Circular No. A-87 for State and local governments.

16.599 Local Firefighting and Emergency Services Training

AUTHORIZATION: Anti-Terrorism and Effective Death Penalty Act of 1996, Public Law 104-132, Section 819.

OBJECTIVES: To provide specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks, and fund demonstration sites in urban communities where innovative fire and emergency services training programs may be replicated in other communities.

USES AND USE RESTRICTIONS: To enhance readiness and preparedness of fire and emergency services personnel to respond to terrorist incidents of mass destruction where incendiary devices, nuclear, biological or chemical agents are utilized. The training program and the demonstration program will work in concert with other Federal agencies, specifically the Federal Emergency Management Agency (FEMA), the Department of Defense, (DOD), and the Department of Health and Human Services (HHS) which have similar objectives. The

primary recipient of the local firefighting training program will be metropolitan areas of the United States encompassing

approximately 120 of the largest U.S. jurisdictions. The recipients of the fire and emergency services demonstration grants will receive funding to demonstrate and document relevant fire and emergency training services that show promise and demonstrates sound planning for a multi agency responses in response to terrorist attacks.

Matching Requirements: None.

ELIGIBILITY REQUIREMENTS: Urban metropolitan jurisdictions who desire training or who have the capacity to establish effective fire and emergency services to respond to terrorist attacks.

Applicant Eligibility: Applicants requesting funding must comprise of an urban metropolitan area with the capability to respond to terrorist attacks on a broad scale utilizing a mix of fire and emergency services.

Beneficiary Eligibility: States, units of local governments, and U.S. Territories.

Credentials/Documentation: Applications for funding under the Anti-Terrorism and Death Penalty Act of 1996, for fire and emergency services training must submit a request in writing that describes:

- 1) the jurisdiction's current fire and emergency services capability
- 2) the number and type of agencies providing services
- 3) population and geographic area of the jurisdiction
- 4) an assessment of the jurisdictions vulnerability from potential terrorist activity that might include probable targets, such as specific buildings, roads, dams, bridges or other structures; and
- 5) the extent to which fire and emergency services could be disrupted in the event of a terrorist attack and the impact that would have on the jurisdictions ability to provide fire and emergency services. Applications for demonstration grants to establish model programs that have the potential for becoming fire and emergency services programs other jurisdictions could replicate must also be submitted in writing. In addition to paragraphs 1 and 4 above, the applicant must also explain how and to what capacity fire and emergency services would be enhanced with demonstration grant funding.

POLICE CORPS.

Police Corps and Law Enforcement Officers Training and Education

AUTHORIZATION: Violent Crime Control and Law Enforcement Act, codified at Sections 200102 et seq., 42 U.S.C. § 14091 et seq. of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Chapter 3: Glossary of Terms

Administrative requirements are set forth at 28 CFR Part 66 for State and local units of government and 28 CFR Part 70 for non-governmental organizations.

Amusement/social event is an informal gathering which is not mandatory for all participants to attain the necessary information. An indicator of a social/amusement event is a cash bar.

Awarding agency means the Federal government or the next higher authority, i.e., the State agency administering the formula award or the Federal agency administering the discretionary award.

Awards may include funding mechanisms, such as grants, cooperative agreements, interagency agreements, contracts, and/or other agreements.

Block/formula awards are awarded to the States to provide assistance to State and local units of government for programs in accordance with legislative requirements.

Breaks are short pauses in an ongoing informational program at trainings, meetings, conferences, or retreats. Typically, an all day event may include one break during a morning session, and one break during an afternoon session..

Break foods consist of cookies, sodas and fruits or other snack items and may be served at a training, a meeting or a conference.

CFR is the Code of Federal Regulations. The Department of Justice publishes its regulations in Title 28 of the CFR.

Closeout is a process in which the awarding agency determines that all applicable administrative actions and all required work of the award have been completed by the recipient and the awarding agency.

Cognizant Federal agency is the Federal agency that generally provides the most Federal financial assistance to the recipient of funds. Cognizance is assigned by the Office of Management and Budget (OMB). Cognizant agency assignments for the largest cities and counties are published in the *Federal Register*. The most recent publication was dated January 6, 1986.

Conference or **meeting** is a formal event involving topical matters of general interest, (i.e., matters that will contribute to improved conduct, supervision, or management of the agency's functions or activities), to Federal agency and non-Federal agency participants, rather than a routine business meeting primarily involving day-to-day agency operations and concerns. "Meeting" includes other designations, such as a conference, congress, convention, seminar, symposium, training for grantees or contractors, and workshop. See 5 U.S.C. § 4110 (1994).

Consultant is an individual who provides professional advice or services.

Continental Breakfast means a light breakfast that may include selection of coffees, teas, juices, fruits, and assorted pastries and is allowable provided several hours of substantive material directly follows the continental breakfast. Grant recipients are reminded that the least expensive of the available selections should be chosen.

Contracts are entered into by the awarding agency, recipients or subrecipients, and commercial (profit-making) and non-profit organizations. With the exception of a few justified sole source situations, contracts are awarded via competitive processes to procure a good or service.

Cooperative agreements are awarded to States, units of local government or private organizations at the discretion of the awarding agency. Cooperative agreements are utilized when substantial involvement is anticipated between the awarding agency and the recipient during performance of the contemplated activity.

Discretionary awards are made to States, units of local government, or private organizations at the discretion of the awarding agency. Most discretionary awards are competitive in nature in that there are limited funds available and a large number of potential recipients.

Domestic travel includes travel within and between Canada and the United States and its territories and possessions.

Equipment is tangible non-expendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A recipient/sub recipient may use its own definition of equipment provided that such definition would at least include all equipment defined above.

Federal contractor is a person or entity that contracts with the Federal Government to provide supplies, services, or experimental, developmental, or research work. Entities may include commercial organizations, educational institutions, construction and architect-engineer companies, State and local governments, and non-profit organizations. See 48 C.F.R. §§ 31.103-105, 31.107-108 (1995).

Federal employees are those persons employed in or under an agency of the United States Federal Government or the District of Columbia. See 5 U.S.C. § 4101 (1994).

Federal grantee means the component of a State, local, or federally-recognized Indian tribal government, educational institution, hospital, or a for-profit or non-profit organization which is responsible for the performance or administration of all or some part of a federal award. See OMB Circular No. A-87, Attachment A; OMB Circular No. A-110, Attachment A.

Focus group for purposes of this Policy, means a gathering of Federal Government employees to discuss results and improvements of programs in the field. The focus group should follow a prepared agenda, be lead by an expert in the subject matter, and serve to educate the Federal employees.

Food and/or beverages retain their common meanings. Food or beverages are considered in the context of formal meals and in the context of refreshments served at short, intermittent breaks during an activity. Beverages do not include alcoholic beverages.

Foreign travel includes any travel outside of Canada and the United States and its territories and possessions.

Formal agenda provides a list of all activities that shall occur during the event, using an hour by hour time line. It must specifically include the times during the event when food and beverages will be provided.

Grants are awarded to States, units of local government, or private organizations at the discretion of the awarding agency or on the basis of a formula. Grants are used to support a public purpose.

High risk is a determination made by the awarding agency of a recipient's ability to financially administer Federal project funds. Additional reporting requirements are imposed on high risk recipients.

Incidental means relating to a formal event where full participation by participants mandates the provision of food and beverages.

Interagency agreements and purchase of service arrangements are usually entered into by two governmental units or agencies. Such funding arrangements are negotiated by the entities involved.

Match is the recipient share of the project costs. Match may either be "in-kind" or "cash." In-kind match includes the value of donated services. Cash match includes actual cash spent by the recipient and must have a cost relationship to the Federal award that is being matched. (Example: Match on administrative costs should be other administrative costs not other matching on program costs).

Non-expendable personal property includes tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A recipient may use its own definition of non-expendable personal property provided that the definition would at least include all tangible personal property as defined below.

Obligation means a legal liability to pay under a grant, subgrant, and/or contract determinable sums for services or goods incurred during the grant period.

Pass-through is an obligation on the part of the States to make funds available to units of local governments, combinations of local units, or other specified groups or organizations.

Personal property means property of any kind except real property. It may be tangible (having physical existence) or intangible (having no physical existence, such as patents, inventions, and copyrights).

Preagreement costs are defined as those costs which are considered necessary to the project but occur prior to the starting date of the award period.

Prior approval means written approval by the authorized official (the next higher authority except for sole source) evidencing consent prior to a budgetary or programmatic change in the award.

Program income means gross income earned by the recipient, during the funding period as a direct result of the award. Direct result is defined as a specific act or set of activities that are directly attributable to grant funds and which are directly related to the goals and objectives of the project. Determinations of "direct result" will be made by the awarding agency for discretionary grants and by the State for block/formula subawards. Fines/penalties are not considered program income. Program income may only be used for allowable program expenses.

Purchase of Evidence (P/E) is the purchase of evidence and/or contraband, such as narcotics and dangerous drugs, firearms, stolen property, counterfeit tax stamps, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.

Purchase of Services (P/S) includes travel or transportation of a non-Federal officer or an informant; the lease of an apartment, business front, luxury-type automobiles, aircraft or boat, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment, and similar expenses (including buy money and flash rolls, etc.) for undercover purposes, within reasonable limits.

Purchase of Specific Information (P/I) includes the payment of monies to an informant for specific information. All other informant expenses would be classified under P/S and charged accordingly.

Real property means land, land improvements, structures, and appurtenances thereto, excluding movable machinery and equipment.

Reasonable as means those costs which a prudent person would have incurred under the circumstances prevailing at the time the decision to incur the cost was made. Costs to consider when making judgements about reasonableness include the cost of food and beverage, total cost of the event and costs incurred relative to costs in the geographical area.

Reception as it applies to this Policy, means an informal gathering which is not mandatory for all event participants to obtain necessary information. Indicators of a reception include a cash bar, inadequate seating for the entire group, food items from a reception menu (such as finger foods) and a longer break (than utilized throughout the day) between the substantive meetings and the reception. Receptions are expressly prohibited and are considered to be an unallowable cost with Federal funds.

Recipient means an individual and/or organization that receives Federal financial

assistance directly from the Federal agency.

Stipend is an allowance for living expenses. Examples of these expenses include, but are not limited to, rent, utilities, incidentals, etc.

Subrecipient means an individual and/or organization that receives Federal financial assistance from the direct recipient of Federal funds. This may include entities receiving funds as a result of block or formula awards.

Supplanting means to deliberately reduce State or local funds because of the existence of Federal funds. An example would be: When State funds are appropriated for a stated purpose and Federal funds are awarded for that same purpose, the State replaces its State funds with Federal funds, thereby reducing the total amount available for the stated purpose.

Working dinner as it relates to this Policy means a formal and mandatory dinner necessary for all participants to have full participation in the conference or event. A working dinner must include a formal agenda including a program or speakers that will impart necessary information important for full understanding of the subject matter of the conference. There should be several hours of informative sessions providing substantive information scheduled both before and after a working dinner. Indicators of a working dinner include seating for all participants. A cash bar is expressly prohibited.

Working lunch for purposes of this Policy is a formal and mandatory lunch necessary for all participants to have full participation in the conference or event. A working lunch must include a formal agenda including a program or speakers that will impart necessary information important for full understanding of the subject matter of the conference. There should be several hours of informative sessions providing substantive information scheduled both before and after a working lunch (exhibits are not included). Indicators of a working lunch include seating for all participants. A cash bar is expressly prohibited.

Work related event is a conference or meeting involving a topical matter that is of interest within the purview of the agency's mission and function.

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Office of the Comptroller
Office of Justice Programs
United States Department of Justice
810 7th Street N.W., Room 5303
Washington, D. C. 20531